

103^D CONGRESS
2^D SESSION

H. R. 4197

To deter and punish crime, and to protect the rights of crime victims.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1994

Mr. DOOLITTLE introduced the following bill; which was referred jointly to the Committees on the Judiciary, Ways and Means, Education and Labor, Armed Services, Science, Space, and Technology, and Government Operations

A BILL

To deter and punish crime, and to protect the rights of crime victims.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Citizens’ Crime Prevention and Punishment Act of
6 1994”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PUNISHING VIOLENT CRIME

Subtitle A—Violent Felonies and Drug Offenses

- Sec. 101. Life imprisonment or death penalty for second Federal violent felony conviction.
- Sec. 102. Denial of Federal benefits to persons convicted of crimes of violence.
- Sec. 103. Elimination of judicial discretion in denial of Federal benefits in cases of certain drug offenses.
- Sec. 104. Enhanced penalty for discharge of a firearm during and in relation to a crime of violence or drug trafficking crime.
- Sec. 105. Mandatory minimum prison sentences for those who sell illegal drugs to minors or who use minors in drug trafficking activities.
- Sec. 106. Drug testing of Federal offenders on post-conviction release.
- Sec. 107. Strengthening the Armed Career Criminals Act.
- Sec. 108. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
- Sec. 109. Mandatory minimum sentence for unlawful possession of a firearm by convicted felon, fugitive from justice, or transferor or receiver of stolen firearm.
- Sec. 110. Increase in general penalty for violation of Federal firearms laws.
- Sec. 111. Increase in enhanced penalties for possession of firearm in connection with crime of violence or drug trafficking crime.
- Sec. 112. Smuggling firearms in aid of drug trafficking or violent crime.
- Sec. 113. Definition of conviction under chapter 44.
- Sec. 114. Definition of serious drug offense under the armed career criminal act.
- Sec. 115. Definition of burglary under the armed career criminal act.
- Sec. 116. Temporary prohibition against possession of a firearm by, or transfer of a firearm to, persons convicted of a drug crime.

Subtitle B—Capital Offenses

- Sec. 121. Procedures for enforcing death penalty.
- Sec. 122. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
- Sec. 123. Federal capital cases.
- Sec. 124. Extension of protection of civil rights statutes.
- Sec. 125. Federal death penalties.
- Sec. 126. Conforming and technical amendments.

Subtitle C—Enhanced Penalties for Criminal Use of Firearms and Explosives

Chapter 1—Instant Check System for Handgun Purchases

- Sec. 131. Findings.
- Sec. 132. System for identifying felons and persons adjudicated mentally incompetent.
- Sec. 133. Licensed firearms dealers required to check magnetic strip on driver's license of any person attempting to purchase a handgun.

Chapter 2—Other Firearms Provisions

- Sec. 141. Increased penalty for interstate gun trafficking.
- Sec. 142. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
- Sec. 143. Enhanced penalties for use of firearms in connection with counterfeiting or forgery.

- Sec. 144. Increased penalty for knowingly false, material Statement in firearm purchase from licensed dealer.
- Sec. 145. Revocation of supervised release for possession of a firearm in violation of release condition.
- Sec. 146. Receipt of firearms by nonresident.
- Sec. 147. Disposition of forfeited firearms.
- Sec. 148. Conspiracy to violate Federal firearms or explosives laws.
- Sec. 149. Theft of firearms or explosives from licensee.
- Sec. 150. Penalties for theft of firearms or explosives.
- Sec. 151. Prohibition against disposing of explosives to prohibited persons.
- Sec. 152. Prohibition against theft of firearms or explosives.
- Sec. 153. Increased penalty for second offense of using an explosive to commit a felony.
- Sec. 154. Possession of explosives by felons and others.
- Sec. 155. Possession of explosives during the commission of a felony.
- Sec. 156. Summary destruction of explosives subject to forfeiture.
- Sec. 157. Elimination of outmoded parole language.

Subtitle D—Miscellaneous

- Sec. 161. Increased penalties for travel act crimes involving violence and conspiracy to commit contract killings.
- Sec. 162. Criminal offense for failing to obey an order to land a private aircraft.
- Sec. 163. Amendment to the Mansfield amendment to permit maritime law enforcement operations in archipelagic waters.
- Sec. 164. Enhancement of penalties for drug trafficking in prisons.

TITLE II—EQUAL PROTECTION FOR VICTIMS

Subtitle A—Victims' Rights

- Sec. 201. Right of the victim to fair treatment in legal proceedings.
- Sec. 202. Right of the victim to an impartial jury.
- Sec. 203. Victim's right of allocution in sentencing.
- Sec. 204. Enforcement of restitution orders through suspension of Federal benefits.
- Sec. 205. Prohibition of retaliatory killings of witnesses, victims and informants.

Subtitle B—Judicial Reform

- Sec. 211. Admissibility of evidence of similar crimes in sex offense cases.
- Sec. 212. Extension and strengthening of rape victim shield law.
- Sec. 213. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.
- Sec. 214. Admissibility of certain evidence.
- Sec. 215. General safeguards against racial prejudice or bias in the tribunal.
- Sec. 216. Protection of jurors and witnesses in capital cases.
- Sec. 217. Protection of court officers and jurors.
- Sec. 218. Death penalty for murder of Federal witnesses.
- Sec. 219. Amendment of restitution provisions.

TITLE III—PROTECTING FAMILIES AND COMMUNITIES

Subtitle A—Safe Neighborhoods

- Sec. 301. Increased penalties for drug trafficking near schools.
- Sec. 302. Federal safe school districts.
- Sec. 303. Enhanced local law enforcement.
- Sec. 304. Authorization of appropriations.
- Sec. 305. Community policing grants.
- Sec. 306. Addition of anti-gang Byrne grant funding objective.
- Sec. 307. Increased penalties for drug trafficking near public housing.

Subtitle B—Crimes Against Children

- Sec. 311. Death penalty for murder during the sexual exploitation of children.
- Sec. 312. Increased penalties for sex offenses against victims below the age of 16.
- Sec. 313. Penalties for international trafficking in child pornography.
- Sec. 314. Increased penalties for assaults against children.
- Sec. 315. Increased penalties for drug distribution to pregnant women.
- Sec. 316. Interstate enforcement of child support orders.
- Sec. 317. Increased penalties for using minors in drug trafficking and drug distribution to minors.
- Sec. 318. Increased penalties for using a minor in commission of a Federal offense.
- Sec. 319. International parental kidnapping.
- Sec. 320. State court programs regarding international parental child abduction.
- Sec. 321. Kidnapping.

Subtitle C—Punishment of Serious Juvenile Offenders

- Sec. 331. Serious juvenile drug offenses as armed career criminal act predicates.
- Sec. 332. Amendments concerning records of crimes committed by juveniles.
- Sec. 333. Prosecution as adults of violent juvenile offenders.

TITLE IV—PROTECTION OF WOMEN

Subtitle A—Spouse Abuse and Stalking

- Sec. 401. Interstate travel to commit spouse abuse or to violate protective order; interstate stalking.
- Sec. 402. Full faith and credit for protective orders.

Subtitle B—Sex Offenses and Punishment

- Sec. 411. Civil remedy for victims of sexual violence.
- Sec. 412. Extension and strengthening of restitution.
- Sec. 413. Pre-trial detention in sex offense cases.
- Sec. 414. Mandatory life imprisonment for forcible rape.
- Sec. 415. Death penalty for rape and child molestation murders.
- Sec. 416. Increased penalties for recidivist sex offenders.
- Sec. 417. Sentencing guidelines increase for sex offenses.
- Sec. 418. HIV testing and penalty enhancement in sexual offense cases.

TITLE V—PREVENTION OF TERRORISM

Subtitle A—Enhanced Controls on Entry into the United States

- Sec. 501. Exclusion based on membership in terrorist organization of advocacy of terrorism.

- Sec. 502. Admissions fraud.
- Sec. 503. Inspection and exclusion by immigration officers.
- Sec. 504. Judicial review.
- Sec. 505. Conforming amendments.
- Sec. 506. Effective date.

Subtitle B—Deportation of Alien Terrorists

- Sec. 511. Removal of alien terrorists.

Subtitle C—Penalties for Engaging in Terrorism

- Sec. 521. Providing material support to terrorism.
- Sec. 522. Sentencing guidelines increase for terrorist crimes.
- Sec. 523. Extension of the statute of limitations for certain terrorism offenses.
- Sec. 524. Enhanced penalties for certain offenses.
- Sec. 525. Implementation of the 1988 protocol for the suppression of unlawful acts of violence at airports serving international civil aviation.
- Sec. 526. Amendment to Federal aviation act.
- Sec. 527. Offenses of violence against maritime navigation or fixed platforms.
- Sec. 528. Weapons of mass destruction.
- Sec. 529. National task force on counterterrorism.
- Sec. 530. Death penalty for death caused by the use of a bomb or other destructive device.

TITLE VI—CRIMINAL ALIENS AND ALIEN SMUGGLING

Subtitle A—Deportation of Criminal Aliens

- Sec. 601. Expediting criminal alien deportation and exclusion.
- Sec. 602. Authorizing registration of aliens on criminal probation or criminal parole.
- Sec. 603. Expansion in definition of “aggravated felony”.
- Sec. 604. Deportation procedures for certain criminal aliens who are not permanent residents.
- Sec. 605. Judicial deportation.
- Sec. 606. Restricting defenses to deportation for certain criminal aliens.
- Sec. 607. Enhancing penalties for failing to depart, or reentering, after final order of deportation.
- Sec. 608. Miscellaneous and technical changes.
- Sec. 609. Authorization of appropriations for criminal alien information system.

Subtitle B—Prevention and Punishment of Alien Smuggling

- Sec. 611. Border patrol agents.
- Sec. 612. Border patrol investigators.
- Sec. 613. Enhanced penalties for certain alien smuggling.

TITLE VII—EXPANDING PRISON CAPACITY

- Sec. 701. Use of private activity bonds.
- Sec. 702. Federal-State partnerships for regional prisons.
- Sec. 703. Non-applicability of Davis-Bacon to prison construction.
- Sec. 704. Actions challenging conditions of confinement.
- Sec. 705. Conversion of property and facilities at closed or realigned military installations into youthful offender boot camps.
- Sec. 706. Grants for boot camps.

Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform

Sec. 805. Period of limitation for Federal prisoners filing for collateral remedy.

Sec. 811. Death penalty litigation procedures.

Sec. 821. Funding for death penalty prosecutions.

Sec. 903. Narcotics-related public corruption.

Sec. 1002. Overhead expense reduction.

8 Section 3581 of title 18, United States Code, is
9 amended by adding at the end the following:

1 “(c) PUNISHMENT OF CERTAIN VIOLENT FELONS.—

2 “(1) GENERAL RULE.—Notwithstanding any
3 other provision of law, in the case of a conviction for
4 a Federal violent felony, the court shall sentence the
5 defendant to prison for life if the defendant has pre-
6 viously been convicted of another violent felony and
7 if a death results from the violent felony, the defend-
8 ant shall be subject to the death penalty.

9 “(2) DEFINITION.—As used in this section the
10 term “violent felony” is a State or Federal offense—

11 “(A) that involves the threatened use, use,
12 or the risk of use of physical force against the
13 person of another;

14 “(B) for which the maximum authorized
15 imprisonment exceeds one year; and

16 “(C) which is not designated a mis-
17 demeanor by the law that defines the offense.

18 “(3) RULE OF CONSTRUCTION.—This sub-
19 section shall not be construed to prevent the imposi-
20 tion of the death penalty.”.

21 **SEC. 102. DENIAL OF FEDERAL BENEFITS TO PERSONS**

22 **CONVICTED OF CRIMES OF VIOLENCE.**

23 (a) IN GENERAL.—Any individual who is convicted
24 of any Federal or State crime of violence (as defined in
25 section 16 of title 18, United States Code, shall—

1 (1) at the discretion of the court, upon the first
2 conviction for such a crime, be ineligible for any or
3 all Federal benefits for up to 5 years after such con-
4 viction;

5 (2) at the discretion of the court, upon a second
6 conviction for such a crime, be ineligible for any or
7 all Federal benefits for up to 10 years after such
8 conviction; and

9 (3) upon a third or subsequent conviction for
10 such a crime, be permanently ineligible for all Fed-
11 eral benefits.

12 (b) DEFINITION.—As used in this section, the term
13 “Federal benefit” means the issuance of any grant, con-
14 tract, loan, professional license, or commercial licence pro-
15 vided by an agency of the United States or by appro-
16 priated funds of the United States, but does not include
17 any retirement or pension payment.

18 **SEC. 103. ELIMINATION OF JUDICIAL DISCRETION IN DE-**
19 **NIAL OF FEDERAL BENEFITS IN CASES OF**
20 **CERTAIN DRUG OFFENSES.**

21 Section 5301 of the Anti-Drug Abuse Act of 1988
22 is amended—

23 (1) in subsection (a)—

24 (A) by striking “at the discretion of the
25 court,” each place it appears;

1 (B) by striking “any or” each place it
 2 appears; and

3 (C) by striking “up to” each place it ap-
 4 pears; and

5 (2) in subsection (b)—

6 (A) in paragraph (1)(A), by striking “and
 7 at the discretion of the court—” and all that
 8 follows through clause (iv) of such paragraph,
 9 and inserting “be ineligible for any Federal
 10 benefits for one year;”;

11 (B) in paragraph (1)(B)—

12 (i) by striking “up to”; and

13 (ii) by striking “as determined by the
 14 court”; and

15 (C) by striking “The court shall continue”
 16 and all that follows through “under clause (i).”.

17 **SEC. 104. ENHANCED PENALTY FOR DISCHARGE OF A FIRE-**
 18 **ARM DURING AND IN RELATION TO A CRIME**
 19 **OF VIOLENCE OR DRUG TRAFFICKING CRIME.**

20 Section 924(c)(1) of title 18, United States Code, is
 21 amended in the 1st sentence by inserting “and if the fire-
 22 arm is discharged, to imprisonment for 20 years” before
 23 the period.

1 **SEC. 105. MANDATORY MINIMUM PRISON SENTENCES FOR**
2 **THOSE WHO SELL ILLEGAL DRUGS TO MI-**
3 **NORS OR WHO USE MINORS IN DRUG TRAF-**
4 **FICKING ACTIVITIES.**

5 (a) DISTRIBUTION TO PERSONS UNDER AGE 18.—
6 Section 418 of the Controlled Substances Act (21 U.S.C.
7 859) is amended—

8 (1) in subsection (a) (first offense) by inserting
9 after the second sentence “Except to the extent a
10 greater minimum sentence is otherwise provided by
11 section 401(b), a term of imprisonment under this
12 subsection in a case involving distribution to a per-
13 son under 18 years of age by a person 21 or more
14 years of age shall be not less than 10 years. Not-
15 withstanding any other provision of law, the court
16 shall not place on probation or suspend the sentence
17 of any person sentenced under the preceding sen-
18 tence.”; and

19 (2) in subsection (b) (second offense) by insert-
20 ing after the second sentence “Except to the extent
21 a greater sentence is otherwise authorized by section
22 401(b), a term of imprisonment under this sub-
23 section in a case involving distribution to a person
24 under 18 years of age by a person 21 or more years
25 of age shall be a mandatory term of life imprison-
26 ment. Notwithstanding any other provision of law,

1 the court shall not place on probation or suspend the
2 sentence of any person sentenced under the preced-
3 ing sentence.”.

4 (b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF
5 AGE.—Section 420 of the Controlled Substances Act (21
6 U.S.C. 861) is amended—

7 (1) in subsection (b) by adding at the end the
8 following: “Except to the extent a greater minimum
9 sentence is otherwise provided, a term of imprison-
10 ment of a person 21 or more years of age convicted
11 under this subsection shall be not less than 10 years.
12 Notwithstanding any other provision of law, the
13 court shall not place on probation or suspend the
14 sentence of any person sentenced under the preced-
15 ing sentence.”; and

16 (2) in subsection (c) (penalty for second of-
17 fenses) by inserting after the second sentence the
18 following: “Except to the extent a greater minimum
19 sentence is otherwise provided, a term of imprison-
20 ment of a person 21 or more years of age convicted
21 under this subsection shall be a mandatory term of
22 life imprisonment. Notwithstanding any other provi-
23 sion of law, the court shall not place on probation
24 or suspend the sentence of any person sentenced
25 under the preceding sentence.”.

1 **SEC. 106. DRUG TESTING OF FEDERAL OFFENDERS ON**
2 **POST-CONVICTION RELEASE.**

3 (a) DRUG TESTING PROGRAM.—(1) Chapter 229 of
4 title 18, United States Code, is amended by adding at the
5 end the following:

6 **“§ 3608. Drug testing of Federal offenders on post-**
7 **conviction release**

8 “The Director of the Administrative Office of the
9 United States Courts, in consultation with the Attorney
10 General and the Secretary of Health and Human Services,
11 shall, as soon as is practicable after the effective date of
12 this section, establish a program of drug testing of Federal
13 offenders on post-conviction release. The program shall in-
14 clude such standards and guidelines as the Director may
15 determine necessary to ensure the reliability and accuracy
16 of the drug testing programs. In each district where it is
17 feasible to do so, the chief probation officer shall arrange
18 for the drug testing of defendants on post-conviction re-
19 lease pursuant to a conviction for a felony or other offense
20 described in section 3563(a)(4) of this title.”.

21 (2) The table of sections at the beginning of chapter
22 229 of title 18, United States Code, is amended by adding
23 at the end the following:

“3608. Drug testing of Federal offenders on post-conviction release.”.

24 (b) DRUG TESTING CONDITION FOR PROBATION.—

1 (1) Section 3563(a) of title 18, United States
2 Code, is amended—

3 (A) in paragraph (2), by striking out
4 “and”;

5 (B) in paragraph (3), by striking out the
6 period and inserting “; and”; and

7 (C) by adding after paragraph (3) the fol-
8 lowing:

9 “(4) for a felony, an offense involving a firearm
10 as defined in section 921 of this title, a drug or nar-
11 cotic offense as defined in section 404(c) of the Con-
12 trolled Substances Act (21 U.S.C. 844(c)), or a
13 crime of violence as defined in section 16 of this
14 title, that the defendant refrain from any unlawful
15 use of the controlled substance and submit to peri-
16 odic drug tests (as determined by the court) for use
17 of a controlled substance. This latter condition may
18 be suspended or ameliorated upon request of the Di-
19 rector of the Administrative Office of the United
20 States Courts, or the Director’s designee. In addi-
21 tion, the Court may decline to impose this condition
22 for any individual defendant, if the defendant’s
23 presentence report or other reliable sentencing infor-
24 mation indicates a low risk of future substance
25 abuse by the defendant. A defendant who tests posi-

1 tive may be detained pending verification of a drug
2 test result.”.

3 (2) DRUG TESTING FOR SUPERVISED RE-
4 LEASE.—Section 3583(d) of title 18, United States
5 Code, is amended by inserting after the first sen-
6 tence the following: “For a defendant convicted of a
7 felony or other offense described in section
8 3563(a)(4) of this title, the court shall also order, as
9 an explicit condition of supervised release, that the
10 defendant refrain from any unlawful use of a con-
11 trolled substance and submit to periodic drug tests
12 (as determined by the court), for use of a controlled
13 substance. This latter condition may be suspended
14 or ameliorated as provided in section 3563(a)(4) of
15 this title.”.

16 (3) DRUG TESTING IN CONNECTION WITH PA-
17 ROLE.—Section 4209(a) of title 18, United States
18 Code, is amended by inserting after the first sen-
19 tence the following: “If the parolee has been con-
20 victed of a felony or other offense described in sec-
21 tion 3563(a)(4) of this title, the Commission shall
22 also impose as a condition of parole that the parolee
23 refrain from any unlawful use of a controlled sub-
24 stance and submit to periodic drug tests (as deter-
25 mined by the Commission) for use of a controlled

1 substance. This latter condition may be suspended
2 or ameliorated as provided in section 3563(a)(4) of
3 this title.”.

4 (c) REVOCATION OF RELEASE.—

5 (1) REVOCATION OF PROBATION.—The last
6 sentence of section 3565(a) of title 18, United
7 States Code, is amended by inserting “or unlawfully
8 uses a controlled substance or refuses to cooperate
9 in drug testing, thereby violating the condition im-
10 posed by section 3563(a)(4),” after “3563(a)(3)”.

11 (2) REVOCATION OF SUPERVISED RELEASE.—
12 Section 3583(g) of title 18, United States Code, is
13 amended by inserting “or unlawfully uses a con-
14 trolled substance or refuses to cooperate in drug
15 testing imposed as a condition of supervised re-
16 lease,” after “substance”.

17 (3) REVOCATION OF PAROLE.—Section 4214(f)
18 of title 18, United States Code, is amended by in-
19 serting after “substance” the following: “, or who
20 unlawfully uses a controlled substance or refuses to
21 cooperate in drug testing imposed as a condition of
22 parole,”.

1 **SEC. 107. STRENGTHENING THE ARMED CAREER CRIMI-**
2 **NALS ACT.**

3 Section 924(e)(2)(A) of title 18, United States Code,
4 as amended by section 151 of this Act, is amended—

5 (1) in clause (ii), by striking “or” at the end;

6 (2) in clause (iii), by adding “or” at the end;

7 and

8 (3) by adding at the end the following:

9 “(iv) an offense under State law which, if
10 it had been prosecuted as a violation of the
11 Controlled Substances Act at the time of the of-
12 fense and because of the type and quantity of
13 the controlled substance involved, would have
14 been punishable by a maximum term of impris-
15 onment of 10 years or more;”.

16 **SEC. 108. MANDATORY PENALTIES FOR FIREARMS POSSES-**
17 **SION BY VIOLENT FELONS AND SERIOUS**
18 **DRUG OFFENDERS.**

19 (a) 1 PRIOR CONVICTION.—Section 924(a)(2) of title
20 18, United States Code, is amended by inserting “, and
21 if the violation is of section 922(g)(1) by a person who
22 has a previous conviction for a violent felony (as defined
23 in subsection (e)(2)(B) of this section) or a serious drug
24 offense (as defined in subsection (e)(2)(A) of this section),
25 a sentence imposed under this paragraph shall include a

1 term of imprisonment of not less than 5 years” before the
2 period.

3 (b) 2 PRIOR CONVICTIONS.—Section 924 of such
4 title, as amended by sections 430 and 705(e) of this Act,
5 is amended by adding at the end the following:

6 “(l)(1) Notwithstanding subsection (a)(2) of this sec-
7 tion, any person who violates section 922(g) and has 2
8 previous convictions by any court referred to in section
9 922(g)(1) for a violent felony (as defined in subsection
10 (e)(2)(B) of this section) or a serious drug offense (as de-
11 fined in subsection (e)(2)(A) of this section) committed
12 on occasions different from one another shall be fined
13 under this title, imprisoned not less than 10 years and
14 not more than 20 years, or both.

15 “(2) Notwithstanding any other provision of law, the
16 court shall not suspend the sentence of, or grant a proba-
17 tionary sentence to, a person described in paragraph (1)
18 of this subsection with respect to the conviction under sec-
19 tion 922(g).”.

1 **SEC. 109. MANDATORY MINIMUM SENTENCE FOR UNLAW-**
2 **FUL POSSESSION OF A FIREARM BY CON-**
3 **VICTED FELON, FUGITIVE FROM JUSTICE, OR**
4 **TRANSFEROR OR RECEIVER OF STOLEN**
5 **FIREARM.**

6 Section 924(a) of title 18, United States Code, is
7 amended by adding at the end the following:

8 “(6) Whoever knowingly possesses a firearm in viola-
9 tion of paragraph (1) or (2) of section 922(g), or in viola-
10 tion of subsection (i) or (j), shall be imprisoned not less
11 than 5 years. Notwithstanding any other provision of law,
12 the court shall not impose a probationary sentence on, or
13 suspend the sentence of, any person convicted under this
14 paragraph, nor shall the term of imprisonment imposed
15 under this paragraph run concurrently with any other
16 term of imprisonment imposed under any other provision
17 of law.”.

18 **SEC. 110. INCREASE IN GENERAL PENALTY FOR VIOLATION**
19 **OF FEDERAL FIREARMS LAWS.**

20 Section 924(a)(1) of title 18, United States Code, is
21 amended—

22 (1) by striking “not more than \$5,000” and in-
23 serting “under this title”; and

24 (2) by striking “five” and inserting “10”.

1 **SEC. 111. INCREASE IN ENHANCED PENALTIES FOR POS-**
2 **SESSION OF FIREARM IN CONNECTION WITH**
3 **CRIME OF VIOLENCE OR DRUG TRAFFICKING**
4 **CRIME.**

5 Section 924(c)(1) of title 18, United States Code, is
6 amended—

- 7 (1) by striking “five” and inserting “10”; and
8 (2) by striking “twenty” and inserting “30”.

9 **SEC. 112. SMUGGLING FIREARMS IN AID OF DRUG TRAF-**
10 **FICKING OR VIOLENT CRIME.**

11 Section 924 of title 18, United States Code, as
12 amended by sections 430, 705(e), and 714(b) of this Act,
13 is amended by adding at the end the following:

14 “(m) Whoever, with the intent to engage in or to pro-
15 mote conduct which—

16 “(1) is punishable under the Controlled Sub-
17 stances Act (21 U.S.C. 801 et seq.), the Controlled
18 Substances Import and Export Act (21 U.S.C. 951
19 et seq.), or the Maritime Drug Law Enforcement
20 Act (46 U.S.C. App. 1901 et seq.);

21 “(2) violates any law of a State relating to any
22 controlled substance (as defined in section 102 of
23 the Controlled Substances Act (21 U.S.C. 802)); or

24 “(3) constitutes a crime of violence (as defined
25 in subsection (c)(3) of this section;

1 smuggles or knowingly brings into the United States a
 2 firearm, or attempts to do so, shall be imprisoned for not
 3 more than 10 years, fined under this title, or both.”.

4 **SEC. 113. DEFINITION OF CONVICTION UNDER CHAPTER 44.**

5 Section 921(a)(20) of title 18, United States Code,
 6 is amended in the 3rd sentence by inserting “(other than
 7 for a violent felony (as defined in section 924(e)(2)(B))
 8 involving the threatened or actual use of a firearm or ex-
 9 plosive, or for a serious drug offense (as defined in section
 10 924(e)(2)(A)))” after “Any conviction”.

11 **SEC. 114. DEFINITION OF SERIOUS DRUG OFFENSE UNDER**
 12 **THE ARMED CAREER CRIMINAL ACT.**

13 Section 924(e)(2)(A) of title 18, United States Code,
 14 as amended by sections 151 and 713 of this Act, is amend-
 15 ed—

16 (1) by striking “or” at the end of clause (iii);

17 (2) by inserting “or” at the end of clause (iv);

18 and

19 (3) by adding at the end the following:

20 “(v) an offense under State law that, if it were
 21 prosecuted as a violation of the Controlled Sub-
 22 stances Act (21 U.S.C. 801 et seq.) as that Act pro-
 23 vided at the time of the offense, would be punishable
 24 by a maximum term of imprisonment of 10 years or
 25 more;”.

1 **SEC. 115. DEFINITION OF BURGLARY UNDER THE ARMED**
2 **CAREER CRIMINAL ACT.**

3 Section 924(e)(2) of title 18, United States Code, is
4 amended—

5 (1) by striking “and” at the end of subpara-
6 graph (B);

7 (2) by striking the period at the end of sub-
8 paragraph (C) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(D) the term ‘burglary’ means a crime that—

11 “(i) consists of entering or remaining sur-
12 reptitiously in a building that is the property of
13 another person with intent to engage in conduct
14 constituting a Federal or State offense; and

15 “(ii) is punishable by a term of imprison-
16 ment exceeding 1 year.”.

17 **SEC. 116. TEMPORARY PROHIBITION AGAINST POSSESSION**
18 **OF A FIREARM BY, OR TRANSFER OF A FIRE-**
19 **ARM TO, PERSONS CONVICTED OF A DRUG**
20 **CRIME.**

21 (a) TEMPORARY PROHIBITION.—Section 922 of title
22 18, United States Code, is amended by adding at the end
23 the following:

24 “(v)(1)(A) Except as provided in paragraph (2), it
25 shall be unlawful for any individual who has been con-

1 victed in any court of a drug crime to possess a firearm
2 during the period described in subparagraph (B).

3 “(B) The period described in this subparagraph is the
4 period that begins with the date the individual committed
5 the drug crime and ends 5 years after the most recent
6 date (occurring after the commission of such crime) on
7 which the individual has committed a drug crime or has
8 violated any Federal or State law relating to firearms.

9 “(2) Paragraph (1) shall not apply with respect to
10 convictions occurring on or before the date of the enact-
11 ment of this subsection.

12 “(w)(1)(A) Except as provided in paragraph (2), it
13 shall be unlawful for any person to transfer a firearm to
14 any individual knowing or having reasonable cause to be-
15 lieve that the individual is under indictment for a drug
16 crime.

17 “(B)(i) Except as provided in paragraph (2), it shall
18 be unlawful for any person, during the period described
19 in clause (ii), to transfer a firearm to any individual know-
20 ing or having reasonable cause to believe that the individ-
21 ual has been convicted in any court of a drug crime.

22 “(ii) The period described in this clause is the period
23 that begins with the date the individual committed the
24 drug crime and ends 5 years after the most recent date
25 (occurring after the commission of such crime) on which

1 the individual has committed a drug crime or has violated
2 any Federal or State law relating to firearms.

3 “(2) The second sentence of subsection (d) shall
4 apply in like manner to paragraph (1) of this subsection.”.

5 (b) PENALTY.—Section 924(a)(1)(B) of such title is
6 amended by striking “or (q)” and inserting “(r), (v)(1),
7 or (w)(1)”.

8 (c) ENHANCED PENALTIES FOR POSSESSION OF A
9 FIREARM DURING A DRUG CRIME.—Section 924 of such
10 title, as amended by sections 430, 705(e), 714(b), and 718
11 of this Act, is amended by adding at the end the following:

12 “(n) Whoever, during and in relation to a drug crime
13 (including a drug crime which provides for an enhanced
14 punishment if committed by the use of a deadly or dan-
15 gerous weapon or device) for which he may be prosecuted
16 in a court of the United States, possesses a firearm, in
17 addition to the punishment provided for such drug crime,
18 may be sentenced to imprisonment for not less than 15
19 days and not more than 2 years, and shall be fined not
20 less than \$2,500 and not more than \$10,000, and if the
21 firearm is a machine gun, or is equipped with a firearm
22 silencer or firearm muffler, shall be sentenced to imprison-
23 ment for 15 years. In the case of a second or subsequent
24 conviction under this subsection, such person shall be sen-
25 tenced to imprisonment for not less than 15 days and not

1 more than 2 years, and shall be fined not less than \$2,500
 2 and not more than \$10,000, and if the firearm is a ma-
 3 chine gun, or is equipped with a firearm silencer or fire-
 4 arm muffler, shall be sentenced to imprisonment for 30
 5 years. Notwithstanding any other provision of law, the
 6 court shall not impose a probationary sentence on, or sus-
 7 pend the sentence of, any person convicted of a violation
 8 of this subsection, nor shall the term of imprisonment im-
 9 posed under this subsection run concurrently with any
 10 other term of imprisonment including that imposed for the
 11 drug crime in which the firearm was possessed.”.

12 (d) DEFINITION OF DRUG CRIME.—Section 921(a)
 13 of such title is amended by adding at the end the follow-
 14 ing:

15 “(30) The term ‘drug crime’ means any offense
 16 (other than a drug trafficking crime) punishable by im-
 17 prisonment under—

18 “(A) any Act specified in section 924(c)(2); or

19 “(B) any State law involving the possession,
 20 distribution, or manufacture of a controlled sub-
 21 stance (as defined in section 102 of the Controlled
 22 Substances Act).”.

23 **Subtitle B—Capital Offenses**

24 **SEC. 121. PROCEDURES FOR ENFORCING DEATH PENALTY.**

25 Title 18 of the United States Code is amended—

1 (1) by adding the following new chapter after
 2 chapter 227:

3 **“CHAPTER 228—DEATH PENALTY**
 4 **PROCEDURES**

“Sec.

“3591. Sentence of death.

“3592. Factors to be considered in determining whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Appointment of counsel.

“3599. Collateral attack on judgment imposing sentence of death.

“3600. Application in Indian country.

5 **“§ 3591. Sentence of death**

6 “A defendant who has been found guilty of—

7 “(1) an offense described in section 794 or sec-
 8 tion 2381 of this title;

9 “(2) an offense described in section 1751(c) of
 10 this title if the offense, as determined beyond a rea-
 11 sonable doubt at a hearing under section 3593, con-
 12 stitutes an attempt to murder the President of the
 13 United States and results in bodily injury to the
 14 President or comes dangerously close to causing the
 15 death of the President;

16 “(3) an offense referred to in section 408(c)(1)
 17 of the Controlled Substances Act (21 U.S.C.
 18 848(c)(1)), committed as part of a continuing crimi-
 19 nal enterprise offense under the conditions described

1 in subsection (b) of that section which involved not
2 less than twice the quantity of controlled substance
3 described in subsection (b)(2)(A) or twice the gross
4 receipts described in subsection (b)(2)(B);

5 “(4) an offense referred to in section 408(c)(1)
6 of the Controlled Substances Act (21 U.S.C.
7 848(c)(1)), committed as part of a continuing crimi-
8 nal enterprise offense under that section, where the
9 defendant is a principal administrator, organizer, or
10 leader of such an enterprise, and the defendant, in
11 order to obstruct the investigation or prosecution of
12 the enterprise or an offense involved in the enter-
13 prise, attempts to kill or knowingly directs, advises,
14 authorizes, or assists another to attempt to kill any
15 public officer, juror, witness, or members of the fam-
16 ily or household of such a person;

17 “(5) an offense constituting a felony violation of
18 the Controlled Substances Act (21 U.S.C. 801 et
19 seq.) or the Controlled Substances Import and Ex-
20 port Act (21 U.S.C. 951 et seq.), or the Maritime
21 Drug Law Enforcement Act (46 U.S.C. App. 1901
22 et seq.), where the defendant, intending to cause
23 death or acting with reckless disregard for human
24 life, engages in such a violation, and the death of
25 another person results in the course of the violation

1 or from the use of the controlled substance involved
2 in the violation; or

3 “(6) any other offense for which a sentence of
4 death is provided, if the defendant, as determined
5 beyond a reasonable doubt at a hearing under sec-
6 tion 3593, caused the death of a person inten-
7 tionally, knowingly, or through recklessness mani-
8 festing extreme indifference to human life, or caused
9 the death of a person through the intentional inflic-
10 tion of serious bodily injury;

11 shall be sentenced to death if, after consideration of the
12 factors set forth in section 3592 in the course of a hearing
13 held pursuant to section 3593, it is determined that im-
14 position of a sentence of death is justified. However, no per-
15 son may be sentenced to death who was less than eighteen
16 years of age at the time of the offense.

17 **“§ 3592. Factors to be considered in determining**
18 **whether to recommend a sentence of**
19 **death**

20 “(a) MITIGATING FACTORS.—In determining wheth-
21 er to recommend a sentence of death, the jury, or if there
22 is no jury, the court, shall consider whether any aspect
23 of the defendant’s character, background, or record, or
24 any circumstance of the offense that the defendant may

1 proffer as a mitigating factor exists, including the follow-
2 ing:

3 “(1) MENTAL CAPACITY.—The defendant’s
4 mental capacity to appreciate the wrongfulness of
5 his conduct or to conform his conduct to the require-
6 ments of law was significantly impaired.

7 “(2) DURESS.—The defendant was under un-
8 usual and substantial duress.

9 “(3) PARTICIPATION IN OFFENSE MINOR.—The
10 defendant’s participation in the offense, which was
11 committed by another, was relatively minor.

12 “(4) NO SIGNIFICANT CRIMINAL HISTORY.—
13 The defendant did not have a significant history of
14 other criminal conduct.

15 “(5) DISTURBANCE.—The defendant committed
16 the offense under severe mental or emotional dis-
17 turbance.

18 “(6) VICTIM’S CONSENT.—The victim consented
19 to the criminal conduct that resulted in the victim’s
20 death.

21 “(b) AGGRAVATING FACTORS FOR ESPIONAGE AND
22 TREASON.—In determining whether to recommend a sen-
23 tence of death for an offense described in section 3591(1),
24 the jury, or if there is no jury, the court, shall consider
25 any aggravating factor for which notice has been provided

1 under section 3593 of this title, including the following
2 factors:

3 “(1) PREVIOUS ESPIONAGE OR TREASON CON-
4 VICTION.—The defendant has previously been con-
5 victed of another offense involving espionage or trea-
6 son for which a sentence of life imprisonment or
7 death was authorized by statute.

8 “(2) RISK OF SUBSTANTIAL DANGER TO NA-
9 TIONAL SECURITY.—In the commission of the of-
10 fense the defendant knowingly created a grave risk
11 to the national security.

12 “(3) RISK OF DEATH TO ANOTHER.—In the
13 commission of the offense the defendant knowingly
14 created a grave risk of death to another person.

15 “(c) AGGRAVATING FACTORS FOR HOMICIDE AND
16 FOR ATTEMPTED MURDER OF THE PRESIDENT.—In de-
17 termining whether to recommend a sentence of death for
18 an offense described in paragraph (2) or (6) of section
19 3591 of this title, the jury, or if there is no jury, the court,
20 shall consider any aggravating factor for which notice has
21 been provided under section 3593 of this title, including
22 the following factors:

23 “(1) CONDUCT OCCURRED DURING COMMISSION
24 OF SPECIFIED CRIMES.—The conduct resulting in
25 death occurred during the commission or attempted

1 commission of, or during the immediate flight from
2 the commission of, an offense under section 32 (de-
3 struction of aircraft or aircraft facilities), section 33
4 (destruction of motor vehicles or motor vehicle facili-
5 ties), section 36 (violence at international airports),
6 section 351 (violence against Members of Congress,
7 Cabinet officers, or Supreme Court Justices), section
8 751 (prisoners in custody of institution or officer),
9 section 794 (gathering or delivering defense informa-
10 tion to aid foreign government), section 844(d)
11 (transportation of explosives in interstate commerce
12 for certain purposes), section 844(f) (destruction of
13 Government property by explosives), section 844(i)
14 (destruction of property affecting interstate com-
15 merce by explosives), section 1116 (killing or at-
16 tempted killing of diplomats), section 1118 (pris-
17 oners serving life term), section 1201 (kidnapping),
18 section 1203 (hostage taking), section 1751 (violence
19 against the President or Presidential staff), section
20 1992 (wrecking trains), chapter 109A (sexual
21 abuse), chapter 110 (sexual abuse of children), sec-
22 tion 2261 (domestic violence and stalking) section
23 2280 (maritime violence), section 2281 (maritime
24 platform violence), section 2332 (terrorist acts
25 abroad against United States nationals), section

1 2339 (use of weapons of mass destruction), section
2 2381 (treason), or section 2423 (transportation of
3 minors for sexual activity) of this title, section 1826
4 of title 28 (persons in custody as recalcitrant wit-
5 nesses or hospitalized following insanity acquittal),
6 or section 902 (i) or (n) of the Federal Aviation Act
7 of 1958, as amended (49 U.S.C. App. 1472 (i) or
8 (n) (aircraft piracy)).

9 “(2) INVOLVEMENT OF FIREARM OR PREVIOUS
10 CONVICTION OF VIOLENT FELONY INVOLVING FIRE-
11 ARM.—The defendant—

12 “(A) during and in relation to the commis-
13 sion of the offense or in escaping or attempting
14 to escape apprehension used or possessed a fire-
15 arm as defined in section 921 of this title; or

16 “(B) has previously been convicted of a
17 Federal or State offense punishable by a term
18 of imprisonment of more than one year, involv-
19 ing the use or attempted or threatened use of
20 a firearm, as defined in section 921 of this title,
21 against another person.

22 “(3) PREVIOUS CONVICTION OF OFFENSE FOR
23 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
24 MENT WAS AUTHORIZED.—The defendant has pre-
25 viously been convicted of another Federal or State

1 offense resulting in the death of a person, for which
2 a sentence of life imprisonment or death was author-
3 ized by statute.

4 “(4) PREVIOUS CONVICTION OF OTHER SERI-
5 OUS OFFENSES.—The defendant has previously been
6 convicted of two or more Federal or State offenses,
7 each punishable by a term of imprisonment of more
8 than one year, committed on different occasions, in-
9 volving the importation, manufacture, or distribution
10 of a controlled substance (as defined in section 102
11 of the Controlled Substances Act (21 U.S.C. 802))
12 or the infliction of, or attempted infliction of, serious
13 bodily injury or death upon another person.

14 “(5) GRAVE RISK OF DEATH TO ADDITIONAL
15 PERSONS.—The defendant, in the commission of the
16 offense or in escaping or attempting to escape ap-
17 prehension, knowingly created a grave risk of death
18 to one or more persons in addition to the victim of
19 the offense.

20 “(6) HEINOUS, CRUEL OR DEPRAVED MANNER
21 OF COMMISSION.—The defendant committed the of-
22 fense in an especially heinous, cruel, or depraved
23 manner in that it involved torture or serious physical
24 abuse to the victim.

1 “(7) PROCUREMENT OF OFFENSE BY PAY-
2 MENT.—The defendant procured the commission of
3 the offense by payment, or promise of payment, of
4 anything of pecuniary value.

5 “(8) COMMISSION OF THE OFFENSE FOR PECU-
6 NIARY GAIN.—The defendant committed the offense
7 as consideration for the receipt, or in the expectation
8 of the receipt, of anything of pecuniary value.

9 “(9) SUBSTANTIAL PLANNING AND
10 PREMEDITATION.—The defendant committed the of-
11 fense after substantial planning and premeditation.

12 “(10) VULNERABILITY OF VICTIM.—The victim
13 was particularly vulnerable due to old age, youth, or
14 infirmity.

15 “(11) TYPE OF VICTIM.—The defendant com-
16 mitted the offense against—

17 “(A) the President of the United States,
18 the President-elect, the Vice President, the Vice
19 President-elect, the Vice President-designate,
20 or, if there was no Vice President, the officer
21 next in order of succession to the office of the
22 President of the United States, or any person
23 acting as President under the Constitution and
24 laws of the United States;

1 “(B) a chief of state, head of government,
2 or the political equivalent, of a foreign nation;

3 “(C) a foreign official listed in section
4 1116(b)(3)(A) of this title, if that official was
5 in the United States on official business; or

6 “(D) a Federal public servant who was
7 outside of the United States or who was a Fed-
8 eral judge, a Federal law enforcement officer,
9 an employee (including a volunteer or contract
10 employee) of a Federal prison, or an official of
11 the Federal Bureau of Prisons—

12 “(i) while such public servant was en-
13 gaged in the performance of his official du-
14 ties;

15 “(ii) because of the performance of
16 such public servant’s official duties; or

17 “(iii) because of such public servant’s
18 status as a public servant.

19 For purposes of this paragraph, the terms ‘Presi-
20 dent-elect’ and ‘Vice President-elect’ mean such per-
21 sons as are the apparent successful candidates for
22 the offices of President and Vice President, respec-
23 tively, as ascertained from the results of the general
24 elections held to determine the electors of President
25 and Vice President in accordance with title 3,

1 United States Code, sections 1 and 2; a ‘Federal law
2 enforcement officer’ is a public servant authorized
3 by law or by a Government agency or Congress to
4 conduct or engage in the prevention, investigation,
5 or prosecution of an offense; ‘Federal prison’ means
6 a Federal correctional, detention, or penal facility,
7 Federal community treatment center, or Federal
8 halfway house, or any such prison operated under
9 contract with the Federal Government; and ‘Federal
10 judge’ means any judicial officer of the United
11 States, and includes a justice of the Supreme Court
12 and a United States magistrate judge.

13 “(12) PRIOR CONVICTION OF SEXUAL ASSAULT
14 OR CHILD MOLESTATION.—

15 “(A) IN GENERAL.—In the case of an of-
16 fense under chapter 109A (sexual abuse) or
17 chapter 110 (sexual abuse of children), the de-
18 fendant has previously been convicted of a
19 crime of sexual assault or crime of child moles-
20 tation.

21 “(B) DEFINITIONS.—As used in this para-
22 graph—

23 “(i) the term ‘crime of sexual assault’
24 means a crime under Federal or State law
25 that involves—

1 “(I) contact between any part of
2 the defendant’s body or an object and
3 the genitals or anus of another per-
4 son, without the consent of that per-
5 son;

6 “(II) contact between the geni-
7 tals or anus of the defendant and any
8 part of the body of another person,
9 without the consent of that person;

10 “(III) deriving sexual pleasure or
11 gratification from the infliction of
12 death, bodily injury, or physical pain
13 on another person; or

14 “(IV) an attempt or conspiracy
15 to engage in any conduct described in
16 subclauses (I) through (III) of this
17 clause;

18 “(ii) the term ‘crime of child molesta-
19 tion’ means a crime of sexual assault in
20 which a child was the victim of the assault,
21 and for the purposes of this clause, a child
22 shall be considered not to have consented
23 to any of the contact referred to in clause
24 (i); and

1 “(iii) the term ‘child’ means a person
2 below the age of 14 years.”.

3 “(d) AGGRAVATING FACTORS FOR DRUG OFFENSE
4 DEATH PENALTY.—In determining whether to rec-
5 ommend a sentence of death for an offense described in
6 paragraph (3), (4), or (5) of section 3591, the jury, or
7 if there is no jury, the court, shall consider any aggravat-
8 ing factor for which notice has been provided under section
9 3593 of this title, including the following factors:

10 “(1) PREVIOUS CONVICTION OF OFFENSE FOR
11 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
12 MENT WAS AUTHORIZED.—The defendant has pre-
13 viously been convicted of another Federal or State
14 offense resulting in the death of a person, for which
15 a sentence of life imprisonment or death was author-
16 ized by statute.

17 “(2) PREVIOUS CONVICTION OF OTHER SERI-
18 OUS OFFENSES.—The defendant has previously been
19 convicted of two or more Federal or State offenses,
20 each punishable by a term of imprisonment of more
21 than one year, committed on different occasions, in-
22 volving the importation, manufacture, or distribution
23 of a controlled substance (as defined in section 102
24 of the Controlled Substances Act (21 U.S.C. 802))

1 or the infliction of, or attempted infliction of, serious
2 bodily injury or death upon another person.

3 “(3) PREVIOUS SERIOUS DRUG FELONY CONVICT-
4 TION.—The defendant has previously been convicted
5 of another Federal or State offense involving the
6 manufacture, distribution, importation, or possession
7 of a controlled substance (as defined in section 102
8 of the Controlled Substances Act (21 U.S.C. 802))
9 for which a sentence of five or more years of impris-
10 onment was authorized by statute.

11 “(4) USE OF FIREARM.—In committing the of-
12 fense, or in furtherance of a continuing criminal en-
13 terprise of which the offense was a part, the defend-
14 ant used a firearm or knowingly directed, advised,
15 authorized, or assisted another to use a firearm, as
16 defined in section 921 of this title, to threaten, in-
17 timidate, assault, or injure a person.

18 “(5) DISTRIBUTION TO PERSONS UNDER TWEN-
19 TY-ONE.—The offense, or a continuing criminal en-
20 terprise of which the offense was a part, involved
21 conduct proscribed by section 418 of the Controlled
22 Substances Act which was committed directly by the
23 defendant or for which the defendant would be liable
24 under section 2 of this title.

1 “(6) DISTRIBUTION NEAR SCHOOLS.—The of-
2 fense, or a continuing criminal enterprise of which
3 the offense was a part, involved conduct proscribed
4 by section 419 of the Controlled Substances Act
5 which was committed directly by the defendant or
6 for which the defendant would be liable under sec-
7 tion 2 of this title.

8 “(7) USING MINORS IN TRAFFICKING.—The of-
9 fense or a continuing criminal enterprise of which
10 the offense was a part, involved conduct proscribed
11 by section 420 of the Controlled Substances Act
12 which was committed directly by the defendant or
13 for which the defendant would be liable under sec-
14 tion 2 of this title.

15 “(8) LETHAL ADULTERANT.—The offense in-
16 volved the importation, manufacture, or distribution
17 of a controlled substance (as defined in section 102
18 of the Controlled Substances Act (21 U.S.C. 802)),
19 mixed with a potentially lethal adulterant, and the
20 defendant was aware of the presence of the
21 adulterant.

22 **“§ 3593. Special hearing to determine whether to rec-**
23 **ommend a sentence of death**

24 “(a) NOTICE BY THE GOVERNMENT.—Whenever the
25 Government intends to seek the death penalty for an of-

1 fense described in section 3591, the attorney for the Gov-
2 ernment shall file with the court and serve on the defend-
3 ant a notice of such intent. The notice shall be provided
4 a reasonable time before the trial or acceptance of a guilty
5 plea, or at such later time before trial as the court may
6 permit for good cause. If the court permits a late filing
7 of the notice upon a showing of good cause, the court shall
8 ensure that the defendant has adequate time to prepare
9 for trial. The notice shall set forth the aggravating factor
10 or factors the Government will seek to prove as the basis
11 for the death penalty. The factors for which notice is pro-
12 vided under this subsection may include factors concerning
13 the effect of the offense on the victim and the victim's
14 family. The court may permit the attorney for the Govern-
15 ment to amend the notice upon a showing of good cause.

16 “(b) HEARING BEFORE A COURT OR JURY.—When
17 the attorney for the Government has filed a notice as re-
18 quired under subsection (a) and the defendant is found
19 guilty of an offense described in section 3591, the judge
20 who presided at the trial or before whom the guilty plea
21 was entered, or another judge if that judge is unavailable,
22 shall conduct a separate sentencing hearing to determine
23 the punishment to be imposed. Prior to such a hearing,
24 no presentence report shall be prepared by the United
25 States Probation Service, notwithstanding the provisions

1 of the Federal Rules of Criminal Procedure. The hearing
2 shall be conducted—

3 “(1) before the jury that determined the de-
4 fendant’s guilt;

5 “(2) before a jury impaneled for the purpose of
6 the hearing if—

7 “(A) the defendant was convicted upon a
8 plea of guilty;

9 “(B) the defendant was convicted after a
10 trial before the court sitting without a jury;

11 “(C) the jury that determined the defend-
12 ant’s guilt was discharged for good cause; or

13 “(D) after initial imposition of a sentence
14 under this section, reconsideration of the sen-
15 tence under the section is necessary; or

16 “(3) before the court alone, upon motion of the
17 defendant and with the approval of the attorney for
18 the Government.

19 A jury impaneled pursuant to paragraph (2) shall consist
20 of twelve members, unless, at any time before the conclu-
21 sion of the hearing, the parties stipulate, with the approval
22 of the court, that it shall consist of a lesser number.

23 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-
24 TORS.—At the hearing, information may be presented as
25 to—

1 “(1) any matter relating to any mitigating fac-
2 tor listed in section 3592 and any other mitigating
3 factor; and

4 “(2) any matter relating to any aggravating
5 factor listed in section 3592 for which notice has
6 been provided under subsection (a) and (if informa-
7 tion is presented relating to such a listed factor) any
8 other aggravating factor for which notice has been
9 so provided.

10 The information presented may include the trial transcript
11 and exhibits. Any other information relevant to such miti-
12 gating or aggravating factors may be presented by either
13 the Government or the defendant. The information pre-
14 sented by the Government in support of factors concerning
15 the effect of the offense on the victim and the victim’s
16 family may include oral testimony, a victim impact state-
17 ment that identifies the victim of the offense and the na-
18 ture and extent of harm and loss suffered by the victim
19 and the victim’s family, and other relevant information.
20 Information is admissible regardless of its admissibility
21 under the rules governing admission of evidence at crimi-
22 nal trials, except that information may be excluded if its
23 probative value is outweighed by the danger of creating
24 unfair prejudice, confusing the issues, or misleading the
25 jury. The attorney for the Government and for the defend-

1 ant shall be permitted to rebut any information received
2 at the hearing, and shall be given fair opportunity to
3 present argument as to the adequacy of the information
4 to establish the existence of any aggravating or mitigating
5 factor, and as to the appropriateness in that case of im-
6 posing a sentence of death. The attorney for the Govern-
7 ment shall open the argument. The defendant shall be per-
8 mitted to reply. The Government shall then be permitted
9 to reply in rebuttal. The burden of establishing the exist-
10 ence of an aggravating factor is on the Government, and
11 is not satisfied unless the existence of such a factor is es-
12 tablished beyond a reasonable doubt. The burden of estab-
13 lishing the existence of any mitigating factor is on the de-
14 fendant, and is not satisfied unless the existence of such
15 a factor is established by a preponderance of the evidence.

16 “(d) FINDINGS OF AGGRAVATING AND MITIGATING
17 FACTORS.—The jury shall return special findings identify-
18 ing any aggravating factor or factors for which notice has
19 been provided under subsection (a) of this section and
20 which the jury unanimously determines have been estab-
21 lished by the Government beyond a reasonable doubt. A
22 mitigating factor is established if the defendant has prov-
23 en its existence by a preponderance of the evidence, and
24 any member of the jury who finds the existence of such
25 a factor may regard it as established for purposes of this

1 section regardless of the number of jurors who concur that
2 the factor has been established.

3 “(e) RETURN OF A FINDING CONCERNING A SEN-
4 TENCE OF DEATH.—If an aggravating factor required to
5 be considered under section 3592 is found to exist, the
6 jury, or if there is no jury, the court, shall then consider
7 whether the aggravating factor or factors found to exist
8 under subsection (d) outweigh any mitigating factor or
9 factors. The jury, or if there is no jury, the court shall
10 recommend a sentence of death if it unanimously finds at
11 least one aggravating factor and no mitigating factor or
12 if it finds one or more aggravating factors which outweigh
13 any mitigating factors. In any other case, it shall not rec-
14 ommend a sentence of death. The jury shall be instructed
15 that it must avoid any influence of sympathy, sentiment,
16 passion, prejudice, or other arbitrary factors in its deci-
17 sion, and should make such a recommendation as the in-
18 formation warrants.

19 “(f) SPECIAL PRECAUTION TO ASSURE AGAINST DIS-
20 CRIMINATION.—In a hearing held before a jury, the court,
21 prior to the return of a finding under subsection (e), shall
22 instruct the jury that, in considering whether to rec-
23 ommend a sentence of death, it shall not be influenced
24 by prejudice or bias relating to the race, color, religion,
25 national origin, or sex of the defendant or of any victim

1 and that the jury is not to recommend a sentence of death
2 unless it has concluded that it would recommend a sen-
3 tence of death for the crime in question regardless of the
4 race, color, religion, national origin, or sex of the defend-
5 ant or of any victim. The jury, upon return of a finding
6 under subsection (e), shall also return to the court a cer-
7 tificate, signed by each juror, that prejudice or bias relat-
8 ing to the race, color, religion, national origin, or sex of
9 the defendant or any victim did not affect the juror's indi-
10 vidual decision and that the individual juror would have
11 recommended the same sentence for the crime in question
12 regardless of the race, color, religion, national origin, or
13 sex of the defendant or any victim.

14 **“§ 3594. Imposition of a sentence of death**

15 “Upon the recommendation under section 3593(e)
16 that a sentence of death be imposed, the court shall sen-
17 tence the defendant to death. Otherwise the court shall
18 impose a sentence, other than death, authorized by law.
19 Notwithstanding any other provision of law, if the maxi-
20 mum term of imprisonment for the offense is life imprison-
21 ment, the court may impose a sentence of life imprison-
22 ment without the possibility of release.

23 **“§ 3595. Review of a sentence of death**

24 “(a) APPEAL.—In a case in which a sentence of death
25 is imposed, the sentence shall be subject to review by the

1 court of appeals upon appeal by the defendant. Notice of
2 appeal of the sentence must be filed within the time speci-
3 fied for the filing of a notice of appeal of the judgment
4 of conviction. An appeal of the sentence under this section
5 may be consolidated with an appeal of the judgment of
6 conviction and shall have priority over all other non-capital
7 matters in the court of appeals.

8 “(b) REVIEW.—The court of appeals shall review the
9 entire record in the case, including—

10 “(1) the evidence submitted during the trial;

11 “(2) the information submitted during the sen-
12 tencing hearing;

13 “(3) the procedures employed in the sentencing
14 hearing; and

15 “(4) the special findings returned under section
16 3593(d).

17 “(c) DECISION AND DISPOSITION.—

18 “(1) If the court of appeals determines that—

19 “(A) the sentence of death was not im-
20 posed under the influence of passion, prejudice,
21 or any other arbitrary factor;

22 “(B) the evidence and information support
23 the special findings of the existence of an ag-
24 gravating factor or factors; and

1 “(C) the proceedings did not involve any
2 other prejudicial error requiring reversal of the
3 sentence that was properly preserved for and
4 raised on appeal;
5 it shall affirm the sentence.

6 “(2) In any other case, the court of appeals
7 shall remand the case for reconsideration under sec-
8 tion 3593 or for imposition of another authorized
9 sentence as appropriate, except that the court shall
10 not reverse a sentence of death on the ground that
11 an aggravating factor was invalid or was not sup-
12 ported by the evidence and information if at least
13 one aggravating factor required to be considered
14 under section 3592 remains which was found to
15 exist and the court, on the basis of the evidence sub-
16 mitted at trial and the information submitted at the
17 sentencing hearing, finds no mitigating factor or
18 finds that the remaining aggravating factor or fac-
19 tors which were found to exist outweigh any mitigat-
20 ing factors.

21 “(3) The court of appeals shall state in writing
22 the reasons for its disposition of an appeal of a sen-
23 tence of death under this section.

1 **“§ 3596. Implementation of a sentence of death**

2 “(a) IN GENERAL.—A person sentenced to death
3 under this chapter shall be committed to the custody of
4 the Attorney General until exhaustion of the procedures
5 for appeal of the judgment of conviction and review of the
6 sentence. When the sentence is to be implemented, the At-
7 torney General shall release the person sentenced to death
8 to the custody of a United States Marshal. The Marshal
9 shall supervise implementation of the sentence in the man-
10 ner prescribed by the law of the State in which the sen-
11 tence is imposed, or in the manner prescribed by the law
12 of another State designated by the court if the law of the
13 State in which the sentence was imposed does not provide
14 for implementation of a sentence of death.

15 “(b) SPECIAL BARS TO EXECUTION.—A sentence of
16 death shall not be carried out upon a person who lacks
17 the mental capacity to understand the death penalty and
18 why it was imposed on that person, or upon a woman while
19 she is pregnant.

20 “(c) PERSONS MAY DECLINE TO PARTICIPATE.—No
21 employee of any State department of corrections, the Fed-
22 eral Bureau of Prisons, or the United States Marshals
23 Service, and no person providing services to that depart-
24 ment, bureau, or service under contract shall be required,
25 as a condition of that employment or contractual obliga-
26 tion, to be in attendance at or to participate in any execu-

tion carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term ‘participate in any execution’ includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

“§ 3597. Use of State facilities

“A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

“§ 3598. Appointment of counsel

“(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section

1 3599(b) of this title has occurred. This section shall not
2 affect the appointment of counsel and the provision of an-
3 cillary legal services under section 848(q) (4) through (10)
4 of title 21, United States Code.

5 “(b) REPRESENTATION BEFORE FINALITY OF JUDG-
6 MENT.—A defendant within the scope of this section shall
7 have counsel appointed for trial representation as provided
8 in section 3005 of this title. At least one counsel so ap-
9 pointed shall continue to represent the defendant until the
10 conclusion of direct review of the judgment, unless re-
11 placed by the court with other qualified counsel.

12 “(c) REPRESENTATION AFTER FINALITY OF JUDG-
13 MENT.—When a judgment imposing a sentence of death
14 has become final through affirmance by the Supreme
15 Court on direct review, denial of certiorari by the Supreme
16 Court on direct review, or expiration of the time for seek-
17 ing direct review in the court of appeals or the Supreme
18 Court, the Government shall promptly notify the district
19 court that imposed the sentence. Within ten days of re-
20 ceipt of such notice, the district court shall proceed to
21 make a determination whether the defendant is eligible
22 under this section for appointment of counsel for subse-
23 quent proceedings. On the basis of the determination, the
24 court shall issue an order: (1) appointing one or more
25 counsel to represent the defendant upon a finding that the

1 defendant is financially unable to obtain adequate rep-
2 resentation and wishes to have counsel appointed or is un-
3 able competently to decide whether to accept or reject ap-
4 pointment of counsel; (2) finding, after a hearing if nec-
5 essary, that the defendant rejected appointment of counsel
6 and made the decision with an understanding of its legal
7 consequences; or (3) denying the appointment of counsel
8 upon a finding that the defendant is financially able to
9 obtain adequate representation. Counsel appointed pursu-
10 ant to this subsection shall be different from the counsel
11 who represented the defendant at trial and on direct re-
12 view unless the defendant and counsel request a continu-
13 ation or renewal of the earlier representation.

14 “(d) STANDARDS FOR COMPETENCE OF COUNSEL.—
15 In relation to a defendant who is entitled to appointment
16 of counsel under this section, at least one counsel ap-
17 pointed for trial representation must have been admitted
18 to the bar for at least five years and have at least three
19 years of experience in the trial of felony cases in the fed-
20 eral district courts. If new counsel is appointed after judg-
21 ment, at least one counsel so appointed must have been
22 admitted to the bar for at least five years and have at
23 least three years of experience in the litigation of felony
24 cases in the Federal courts of appeals or the Supreme
25 Court. The court, for good cause, may appoint counsel

1 who does not meet these standards, but whose back-
2 ground, knowledge, or experience would otherwise enable
3 him or her to properly represent the defendant, with due
4 consideration of the seriousness of the penalty and the na-
5 ture of the litigation.

6 “(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—
7 Except as otherwise provided in this section, the provisions
8 of section 3006A of this title shall apply to appointments
9 under this section.

10 “(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—
11 The ineffectiveness or incompetence of counsel during pro-
12 ceedings on a motion under section 2255 of title 28, Unit-
13 ed States Code, in a capital case shall not be a ground
14 for relief from the judgment or sentence in any proceed-
15 ing. This limitation shall not preclude the appointment of
16 different counsel at any stage of the proceedings.

17 **“§ 3599. Collateral attack on judgment imposing sen-**
18 **tence of death**

19 “(a) TIME FOR MAKING SECTION 2255 MOTION.—
20 In a case in which sentence of death has been imposed,
21 and the judgment has become final as described in section
22 3598(c) of this title, a motion in the case under section
23 2255 of title 28, United States Code, must be filed within
24 ninety days of the issuance of the order relating to ap-
25 pointment of counsel under section 3598(c) of this title.

1 The court in which the motion is filed, for good cause
2 shown, may extend the time for filing for a period not
3 exceeding sixty days. A motion described in this section
4 shall have priority over all noncapital matters in the dis-
5 trict court, and in the court of appeals on review of the
6 district court's decision.

7 “(b) STAY OF EXECUTION.—The execution of a sen-
8 tence of death shall be stayed in the course of direct review
9 of the judgment and during the litigation of an initial mo-
10 tion in the case under section 2255 of title 28, United
11 States Code. The stay shall run continuously following im-
12 position of the sentence, and shall expire if—

13 “(1) the defendant fails to file a motion under
14 section 2255 of title 28, United States Code, within
15 the time specified in subsection (a), or fails to make
16 a timely application for court of appeals review fol-
17 lowing the denial of such motion by a district court;
18 or

19 “(2) upon completion of district court and court
20 of appeals review under section 2255 of title 28,
21 United States Code, the motion under that section
22 is denied and (A) the time for filing a petition for
23 certiorari has expired and no petition has been filed;
24 (B) a timely petition for certiorari was filed and the
25 Supreme Court denied the petition; or (C) a timely

1 petition for certiorari was filed and upon consider-
2 ation of the case, the Supreme Court disposed of it
3 in a manner that left the capital sentence undis-
4 turbed; or

5 “(3) before a district court, in the presence of
6 counsel and after having been advised of the con-
7 sequences of his decision, the defendant waives the
8 right to file a motion under section 2255 of title 28,
9 United States Code.

10 “(c) FINALITY OF THE DECISION ON REVIEW.—If
11 one of the conditions specified in subsection (b) has oc-
12 curred, no court thereafter shall have the authority to
13 enter a stay of execution or grant relief in the case un-
14 less—

15 “(1) the basis for the stay and request for relief
16 is a claim not presented in earlier proceedings;

17 “(2) the failure to raise the claim was (A) the
18 result of governmental action in violation of the Con-
19 stitution or laws of the United States; (B) the result
20 of the Supreme Court recognition of a new Federal
21 right that is retroactively applicable; or (C) based on
22 a factual predicate that could not have been discov-
23 ered through the exercise of reasonable diligence in
24 time to present the claim in earlier proceedings; and

1 “(3) the facts underlying the claim would be
 2 sufficient, if proven, to undermine the court’s con-
 3 fidence in the determination of guilt on the offense
 4 or offenses for which the death penalty was imposed.

5 **“§ 3600. Application in Indian country**

6 “Notwithstanding sections 1152 and 1153 of this
 7 title, no person subject to the criminal jurisdiction of an
 8 Indian tribal government shall be subject to a capital sen-
 9 tence under this chapter for any offense the Federal juris-
 10 diction for which is predicated solely on Indian country
 11 as defined in section 1151 of this title and which has oc-
 12 curred within the boundaries of such Indian country, un-
 13 less the governing body of the tribe has made an election
 14 that this chapter have effect over land and persons subject
 15 to its criminal jurisdiction.”; and

16 (2) in the table of chapters at the beginning of
 17 part II, by adding the following new item after the
 18 item relating to chapter 227:

“228. Death penalty procedures 3591.”.

19 **SEC. 122. PROHIBITION OF RACIALLY DISCRIMINATORY**
 20 **POLICIES CONCERNING CAPITAL PUNISH-**
 21 **MENT OR OTHER PENALTIES.**

22 (a) GENERAL RULE.—The penalty of death and all
 23 other penalties shall be administered by the United States
 24 and by every State without regard to the race or color
 25 of the defendant or victim. Neither the United States nor

1 any State shall prescribe any racial quota or statistical
2 test for the imposition or execution of the death penalty
3 or any other penalty.

4 (b) DEFINITIONS.—For purposes of this subtitle—

5 (1) the action of the United States or of a State
6 includes the action of any legislative, judicial, execu-
7 tive, administrative, or other agency or instrumental-
8 ity of the United States or a State, or of any politi-
9 cal subdivision of the United States or a State;

10 (2) the term “State” has the meaning given in
11 section 541 of title 18, United States Code; and

12 (3) the term “racial quota or statistical test”
13 includes any law, rule, presumption, goal, standard
14 for establishing a prima facie case, or mandatory or
15 permissive inference that—

16 (A) requires or authorizes the imposition
17 or execution of the death penalty or another
18 penalty so as to achieve a specified racial pro-
19 portion relating to offenders, convicts, defend-
20 ants, arrestees, or victims; or

21 (B) requires or authorizes the invalidation
22 of, or bars the execution of, sentences of death
23 or other penalties based on the failure of a ju-
24 risdiction to achieve a specified racial propor-
25 tion relating to offenders, convicts, defendants,

1 arrestees, or victims in the imposition or execu-
2 tion of such sentences or penalties.

3 **SEC. 123. FEDERAL CAPITAL CASES.**

4 In a prosecution for an offense against the United
5 States for which a sentence of death is authorized, the
6 fact that the killing of the victim was motivated by racial
7 prejudice or bias shall be deemed an aggravating factor
8 whose existence permits consideration of the death pen-
9 alty, in addition to any other aggravating factors that may
10 be specified by law as permitting consideration of the
11 death penalty.

12 **SEC. 124. EXTENSION OF PROTECTION OF CIVIL RIGHTS**
13 **STATUTES.**

14 (a) SECTION 241.—Section 241 of title 18, United
15 States Code, is amended by striking “inhabitant of” and
16 inserting in lieu thereof “person in”.

17 (b) SECTION 242.—Section 242 of title 18, United
18 States Code, is amended by striking “inhabitant of” and
19 inserting in lieu thereof “person in”, and by striking “such
20 inhabitant” and inserting in lieu thereof “such person”.

21 **SEC. 125. FEDERAL DEATH PENALTIES.**

22 (a) MURDER BY FEDERAL PRISONERS.—Chapter 51
23 of title 18, United States Code, is amended—

24 (1) by adding at the end the following:

1 **“§ 1118. Murder by a Federal prisoner**

2 “(a) Whoever, while confined in a Federal prison
3 under a sentence for a term of life imprisonment, murders
4 another shall be punished by death or by life imprisonment
5 without the possibility of release.

6 “(b) For purposes of this section—

7 “(1) ‘Federal prison’ means any Federal correc-
8 tional, detention, or penal facility, Federal commu-
9 nity treatment center, or Federal halfway house, or
10 any such prison operated under contract with the
11 Federal Government;

12 “(2) ‘term of life imprisonment’ means a sen-
13 tence for the term of natural life, a sentence com-
14 muted to natural life, an indeterminate term of a
15 minimum of at least fifteen years and a maximum
16 of life, or an unexecuted sentence of death.”; and

17 (2) by amending the table of sections by adding
18 at the end:

“1118. Murder by a Federal prisoner.”.

19 (b) MURDER OF FEDERAL, STATE, AND LOCAL LAW
20 ENFORCEMENT OFFICERS.—Section 1114 of title 18,
21 United States Code, is amended by striking “be punished
22 as provided under sections 1111 and 1112 of this title,
23 except that” and inserting “, or any State or local law
24 enforcement officer while assisting, or on account of hav-
25 ing assisted, any Federal officer or employee covered by

1 this section in the performance of duties, in the case of
2 murder as defined in section 1111 of this title, be pun-
3 ished by death or imprisonment for life, and, in the case
4 of manslaughter as defined in section 1112 of this title,
5 be punished as provided in that section, and”.

6 (c) HOMICIDES AND ATTEMPTED HOMICIDES IN-
7 VOLVING FIREARMS IN FEDERAL FACILITIES.—Section
8 930 of title 18, United States Code, is amended—

9 (1) in subsection (a), by striking “(c)” and in-
10 sserting “(d)”;

11 (2) by inserting after subsection (b) the follow-
12 ing:

13 “(c) Whoever kills or attempts to kill any person in
14 the course of a violation of subsection (a) or (b), or in
15 the course of an attack on a Federal facility involving the
16 use of a firearm or other dangerous weapon, shall—

17 “(1) in the case of a killing constituting murder
18 as defined in section 1111(a) of this title, be pun-
19 ished by death or imprisoned for any term of years
20 or for life;

21 “(2) in the case of any other killing or an at-
22 tempted killing, be subject to the penalties provided
23 for engaging in such conduct within the special mar-
24 itime and territorial jurisdiction of the United States
25 under sections 1112 and 1113 of this title.”;

1 (3) in subsection (d)(2), by striking “(c)” and
2 inserting “(d)”;

3 (4) in subsection (g), by striking “(d)” each
4 place it appears and inserting “(e)”;

5 (5) by redesignating subsections (c), (d), (e), (f)
6 and (g) as subsections (d), (e), (f), (g), and (h), re-
7 spectively.

8 (d) DEATH PENALTY FOR CIVIL RIGHTS MUR-
9 DERS.—

10 (1) CONSPIRACY AGAINST RIGHTS.—Section
11 241 of title 18, United States Code, is amended by
12 striking “shall be subject to imprisonment for any
13 term of years or for life” and inserting “shall be
14 punished by death or imprisonment for any term of
15 years or for life”.

16 (2) DEPRIVATION OF RIGHTS UNDER COLOR OF
17 LAW.—Section 242 of title 18, United States Code,
18 is amended by striking “shall be subject to imprison-
19 ment for any term of years or for life” and inserting
20 “shall be punished by death or imprisonment for any
21 term of years or for life”.

22 (3) FEDERALLY PROTECTED ACTIVITIES.—Sec-
23 tion 245(b) of title 18, United States Code, is
24 amended by striking “shall be subject to imprison-
25 ment for any term of years or for life” and inserting

1 “shall be punished by death or imprisonment for any
2 term of years or for life”.

3 (4) DAMAGE TO RELIGIOUS PROPERTY; OB-
4 STRUCTION OF THE FREE EXERCISE OF RELIGIOUS
5 RIGHTS.—Section 247(c)(1) of title 18, United
6 States Code, is amended by inserting “the death
7 penalty or” before “imprisonment”.

8 (e) DEATH PENALTY FOR GUN MURDERS.—Section
9 924 of title 18, United States Code, as amended by section
10 430 of this Act, is amended by adding at the end the fol-
11 lowing:

12 “(k) Whoever, in the course of a violation of sub-
13 section (c) of this section, causes the death of a person
14 through the use of a firearm, shall—

15 “(1) if the killing is a murder as defined in sec-
16 tion 1111 of this title, be punished by death or by
17 imprisonment for life; and

18 “(2) if the killing is manslaughter as defined in
19 section 1112 of this title, be punished as provided in
20 that section.”.

21 (f) MURDER BY ESCAPED PRISONERS.—

22 (1) IN GENERAL.—Chapter 51 of title 18,
23 United States Code, as amended by section 110, is
24 amended by adding at the end the following:

1 **“§ 1119. Murder by escaped prisoners**

2 “(a) Whoever, having escaped from a Federal prison
3 where such person was confined under a sentence for a
4 term of life imprisonment, kills another shall be punished
5 as provided in sections 1111 and 1112 of this title.

6 “(b) As used in this section, the terms ‘Federal pris-
7 on’ and ‘term of life imprisonment’ have the meanings
8 given those terms in section 1118 of this title.’’.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 51 of title 18,
11 United States Code, is amended by adding at the
12 end the following:

“1119. Murder by escaped prisoners.’’.

13 (g) TORTURE.—

14 (1) IN GENERAL.—Part I of title 18, United
15 States Code, is amended by inserting after chapter
16 113A the following new chapter:

17 **“CHAPTER 113B—TORTURE**

“Sec.

“2340. Definitions.

“2340A. Torture.

“2340B. Exclusive remedies.

18 **“§ 2340. Definitions**

19 “As used in this chapter—

20 “(1) the term ‘torture’ means an act committed
21 by a person acting under the color of law specifically
22 intended to inflict severe physical or mental pain or

1 suffering (other than pain or suffering incidental to
2 lawful sanctions) upon another person within his
3 custody or physical control;

4 “(2) the term ‘severe mental pain or suffering’
5 means the prolonged mental harm caused by or re-
6 sulting from—

7 “(A) the intentional infliction or threat-
8 ened infliction of severe physical pain or suffer-
9 ing;

10 “(B) the administration or application, or
11 threatened administration or application, of
12 mind altering substances or other procedures
13 calculated to disrupt profoundly the senses or
14 the personality;

15 “(C) the threat of imminent death; or

16 “(D) the threat that another person will
17 imminently be subjected to death, severe phys-
18 ical pain or suffering, or the administration or
19 application of mind altering substances or other
20 procedures calculated to disrupt profoundly the
21 senses or personality; and

22 “(3) the term ‘United States’ includes all areas
23 under the jurisdiction of the United States including
24 any of the places within the provisions of sections 5
25 and 7 of this title and section 101(38) of the Fed-

1 eral Aviation Act of 1958, as amended (49 U.S.C.
2 App. 1301(38)).

3 **“§ 2340A. Torture**

4 “(a) Whoever, outside the United States and in a cir-
5 cumstance described in subsection (b) of this section, com-
6 mits or attempts to commit torture shall be fined under
7 this title or imprisoned not more than 20 years, or both,
8 and if death results to any person from conduct prohibited
9 by this subsection, shall be punished by death or impris-
10 oned for any term of years or for life.

11 “(b) The circumstances referred to in subsection (a)
12 of this section are—

13 “(1) the alleged offender is a national of the
14 United States; or

15 “(2) the alleged offender is present in the Unit-
16 ed States, irrespective of the nationality of the vic-
17 tim or the alleged offender.

18 **“§ 2340B. Exclusive remedies**

19 “Nothing in this chapter shall be construed as pre-
20 cluding the application of State or local laws on the same
21 subject, nor shall anything in this chapter be construed
22 as creating any substantive or procedural right enforceable
23 by law by any party in any civil proceeding.”.

24 (2) CLERICAL AMENDMENT.—The table of
25 chapters for part I of title 18, United States Code,

1 is amended by inserting after the item for chapter
2 113A the following new item:

“113B. Torture 2340.”.

3 (3) EFFECTIVE DATE.—This subsection shall
4 take effect on the later of—

5 (1) the date of enactment of this section;

6 or

7 (2) the date the United States has become
8 a party to the Convention Against Torture and
9 Other Cruel, Inhuman or Degrading Treatment
10 or Punishment.

11 (h) CARJACKING RESULTING IN DEATH.—Section
12 2119 of title 18, United States Code, is amended—

13 (1) by inserting “(a)” before “Whoever”;

14 (2) by striking “, possessing a firearm as de-
15 fined in section 921 of this title,”;

16 (3) by striking “shall—” and all that follows
17 through the end of the existing section and inserting
18 “shall be punished as provided in subsection (c) of
19 this section.”; and

20 (4) by adding at the end the following:

21 “(b) Whoever, in furtherance of a State or Federal
22 crime of violence, obstructs, impedes, or makes unauthor-
23 ized physical contact with, a motor vehicle of another, if
24 such vehicle has been transported, shipped, or received in

1 interstate or foreign commerce, shall be punished as pro-
 2 vided in subsection (c) of this section.

3 “(c) A person violating this section shall—

4 “(1) be fined under this title or imprisoned not
 5 more than 15 years, or both;

6 “(2) if serious bodily injury (as defined in sec-
 7 tion 1365 of this title) results, be fined under this
 8 title or imprisoned not more than 25 years, or both;
 9 and

10 “(3) if death results, be fined under this title
 11 or imprisoned for any number of years up to life, or
 12 both, and shall be subject to the penalty of death.”.

13 **SEC. 126. CONFORMING AND TECHNICAL AMENDMENTS.**

14 (a) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FA-
 15 CILITIES.—Section 34 of title 18, United States Code, is
 16 amended by striking the comma after “imprisonment for
 17 life” and all that follows through the end of the section
 18 and inserting a period.

19 (b) ESPIONAGE.—Section 794(a) of title 18, United
 20 States Code, is amended by striking the period at the end
 21 of the section and inserting the following: “, except that
 22 the sentence of death shall not be imposed unless the jury
 23 or, if there is no jury, the court, further finds beyond a
 24 reasonable doubt at a hearing under section 3593 of this
 25 title that the offense directly concerned nuclear weaponry,

1 military spacecraft and satellites, early warning systems,
2 or other means of defense or retaliation against large-scale
3 attack; war plans; communications intelligence or cryp-
4 tographic information; sources or methods of intelligence
5 or counterintelligence operations; or any other major
6 weapons system or major element of defense strategy.”.

7 (c) TRANSPORTING EXPLOSIVES.—Section 844(d) of
8 title 18, United States Code, is amended by striking “as
9 provided in section 34 of this title”.

10 (d) MALICIOUS DESTRUCTION OF FEDERAL PROP-
11 ERTY BY EXPLOSIVES.—Section 844(f) of title 18, United
12 States Code, is amended by striking “as provided in sec-
13 tion 34 of this title”.

14 (e) MALICIOUS DESTRUCTION OF INTERSTATE PROP-
15 ERTY BY EXPLOSIVES.—Section 844(i) of title 18, United
16 States Code, is amended by striking “as provided in sec-
17 tion 34 of this title”.

18 (f) MURDER.—Section 1111(b) of title 18, United
19 States Code, is amended to read as follows:

20 “(b) Within the special maritime and territorial juris-
21 diction of the United States—

22 “(1) whoever is guilty of murder in the first de-
23 gree shall be punished by death or by imprisonment
24 for life; and

1 “(2) whoever is guilty of murder in the second
2 degree shall be imprisoned for any term of years or
3 for life.”.

4 (g) KILLING OFFICIAL GUESTS AND INTERNATION-
5 ALLY PROTECTED PERSONS.—Subsection (a) of section
6 1116 of title 18, United States Code, is amended by in-
7 serting a period after “title” and striking the remainder
8 of the subsection.

9 (h) KIDNAPPING.—Section 1201(a) of title 18, Unit-
10 ed States Code, is amended by inserting after “or for life”
11 the following: “and, if the death of any person results,
12 shall be punished by death or life imprisonment”.

13 (i) HOSTAGE TAKING.—Section 1203(a) of title 18,
14 United States Code, is amended by inserting after “or for
15 life” the following “and, if the death of any person results,
16 shall be punished by death or life imprisonment”.

17 (j) MAILABILITY OF INJURIOUS ARTICLES.—The last
18 paragraph of section 1716 of title 18, United States Code,
19 is amended by striking the comma after “imprisonment
20 for life” and all that follows through the end of the para-
21 graph and inserting a period.

22 (k) PRESIDENTIAL ASSASSINATION.—Subsection (c)
23 of section 1751 of title 18, United States Code, is amend-
24 ed to read as follows:

1 “(c) Whoever attempts to murder or kidnap any indi-
2 vidual designated in subsection (a) of this section shall be
3 punished (1) by imprisonment for any term of years or
4 for life, or (2) by death or imprisonment for any term of
5 years or for life if the conduct constitutes an attempt to
6 murder the President of the United States and results in
7 bodily injury to the President or otherwise comes dan-
8 gerously close to causing the death of the President.”.

9 (l) MURDER FOR HIRE.—Section 1958(a) of title 18
10 of the United States Code is amended by striking “and
11 if death results, shall be subject to imprisonment for any
12 term of years or for life, or shall be fined not more than
13 \$50,000, or both” and inserting “and if death results,
14 shall be punished by death or life imprisonment, or shall
15 be fined in accordance with this title, or both”.

16 (m) VIOLENT CRIMES IN AID OF RACKETEERING AC-
17 TIVITY.—Paragraph (1) of subsection (a) of section 1959
18 of title 18, United States Code, is amended to read as
19 follows:

20 “(1) for murder, by death or life imprisonment,
21 or a fine in accordance with this title, or
22 both; and for kidnapping, by imprisonment for
23 any term of years or for life, or a fine in accordance
24 with this title, or both;”.

1 (n) WRECKING TRAINS.—The second to the last
2 paragraph of section 1992 of title 18, United States Code,
3 is amended by striking the comma after “imprisonment
4 for life” and all that follows through the end of the section
5 and inserting a period.

6 (o) BANK ROBBERY.—Section 2113(e) of title 18,
7 United States Code, is amended by striking “or punished
8 by death if the verdict of the jury shall so direct” and
9 inserting “or if death results shall be punished by death
10 or life imprisonment”.

11 (p) TERRORIST ACTS.—Section 2332(a)(1) of title
12 18, United States Code, is amended to read as follows:

13 “(1) if the killing is murder as defined in sec-
14 tion 1111(a) of this title, be fined under this title,
15 punished by death or imprisonment for any term of
16 years or for life, or both;”.

17 (q) AIRCRAFT HIJACKING.—Section 903 of the Fed-
18 eral Aviation Act of 1958 (49 U.S.C. App. 1473), is
19 amended by striking subsection (c).

20 (r) CONTROLLED SUBSTANCES ACT.—Section 408 of
21 the Controlled Substances Act is amended by striking sub-
22 sections (g)–(p), (q) (1)–(3) and (r).

23 (s) GENOCIDE.—Section 1091(b)(1) of title 18, Unit-
24 ed States Code, is amended by striking “a fine of not more
25 than \$1,000,000 and imprisonment for life;” and inserting

1 “death or imprisonment for life and a fine of not more
2 than \$1,000,000;”.

3 (t) INAPPLICABILITY TO UNIFORM CODE OF MILI-
4 TARY JUSTICE.—Chapter 228 of title 18, United States
5 Code, as added by this Act, shall not apply to prosecutions
6 under the Uniform Code of Military Justice (10 U.S.C.
7 801 et seq.).

8 **Subtitle C—Enhanced Penalties for**
9 **Criminal Use of Firearms and**
10 **Explosives**

11 **Chapter 1—Instant Check System for**
12 **Handgun Purchases**

13 **SEC. 131. FINDINGS.**

14 The Congress finds the following:

15 (1) State laws requiring a waiting period before
16 the purchase of a firearm have endangered the lives
17 of law-abiding Americans by preventing them from
18 protecting themselves, as demonstrated by the fol-
19 lowing examples:

20 (A) In 1991, Bonnie Elmasri of Wisconsin
21 tried to get a handgun to protect herself from
22 her estranged husband, but he returned home
23 and killed her and her 2 children before the 48-
24 hour waiting period required by State law had
25 expired.

1 (B) In 1990, Catherine Latta of North
2 Carolina tried to buy a firearm but was told by
3 police that it would take her 2 to 4 weeks to
4 get the necessary permit. After telling the clerk
5 she “would be dead by then,” she illegally
6 bought a handgun on the street. 5 hours later
7 she was attacked again by the man who had al-
8 ready robbed, assaulted, and raped her. She
9 used her handgun to protect herself by shooting
10 and killing him. Had she not had a handgun,
11 the outcome would have been much different.

12 (C) Residents of Los Angeles were forced
13 to wait 15 days during the 1991 riots before
14 they could legally buy a firearm for protection,
15 in spite of the fact that police were admitting
16 that they could not protect the people.

17 (2) A point-of-sale instant background check
18 can easily lead to a gun owner registration system.
19 Commenting on the Virginia State instant check sys-
20 tem, the Congressional Office of Technology Assess-
21 ment said “The Virginia transaction log does not in-
22 clude the names of firearm purchasers, but the po-
23 tential exists regardless of legal prohibitions.”.

24 (3) Laws requiring a waiting period before the
25 purchase of a firearm have not prevented crime

1 rates in various States that have enacted such laws
2 from increasing far above the national average in-
3 crease in crime rates.

4 (4) Police cannot protect, and are not legally
5 responsible for protecting, individual citizens, as evi-
6 denced by the following:

7 (A) The courts have consistently ruled that
8 the police do not have an obligation to protect
9 individuals, only the public in general. In War-
10 ren v. District of Columbia Metropolitan Police
11 Department (D.C. App. 444 A. 2d 1 (1981)),
12 the court stated “courts have without exception
13 concluded that when a municipality or other
14 governmental entity undertakes to furnish po-
15 lice services, it assumes a duty only to the pub-
16 lic at large and not to individual members of
17 the community”.

18 (B) Former Florida Attorney General Jim
19 Smith told Florida legislators that police re-
20 sponded to only 200,000 of 700,000 calls for
21 help to Dade County authorities.

22 (C) The Department of Justice found that,
23 in 1989, there were 168,881 crimes of violence
24 which were not responded to by police within 1
25 hour.

1 (D) Currently, there are about 150,000 po-
2 lice officers on duty to protect a population of
3 more than 250,000,000 Americans.

4 **SEC. 132. SYSTEM FOR IDENTIFYING FELONS AND PERSONS**
5 **ADJUDICATED MENTALLY INCOMPETENT.**

6 (a) IN GENERAL.—The laws and procedures of a
7 State are of the type described in this subsection if the
8 laws and procedures, in substance, provide the following:

9 (1) RECORDS CHECK REQUIRED BEFORE ISSU-
10 ANCE OF DRIVER'S LICENSE AND IDENTIFICATION
11 DOCUMENTS; USE OF MAGNETIC STRIPS TO IDEN-
12 TIFY PROHIBITED PERSONS.—Before the State
13 transportation agency issues, reissues, or reinstates
14 a license, the agency shall—

15 (A) conduct a record check to determine
16 whether the applicant therefor is a prohibited
17 person by examining the State list referred to
18 in paragraph (4) of this subsection and the na-
19 tional list referred to in subsection (b)(1); and

20 (B) affix to the license of the person a
21 magnetic strip on which is encoded information
22 that—

23 (i) identifies the licensee as a prohib-
24 ited person or as a nonprohibited person;
25 and

1 (ii) may be discerned only through the
2 use of an electronic device that—

3 (I) is read only;

4 (II) does not have storage or
5 communication capabilities; and

6 (III) signals the user of the de-
7 vice with—

8 (aa) a green light if the de-
9 vice reads a magnetic strip that
10 does not identify the person as a
11 prohibited person; and

12 (bb) a red light if the device
13 reads a magnetic strip that iden-
14 tifies the person as a prohibited
15 person.

16 (2) EFFECTS OF FELONY CONVICTION OR AD-
17 JUDICATION OF MENTAL INCOMPETENCY.—

18 (A) SEIZURE AND VOIDING OF DRIVER'S
19 LICENSE.—If a State court convicts a person of
20 a crime punishable by imprisonment for a term
21 exceeding 1 year or adjudicates a person as
22 mentally incompetent, the court shall seize any
23 license issued to the person by the State trans-
24 portation agency, and any such license shall be
25 void.

1 (B) ISSUANCE OF NEW LICENSE UPON RE-
2 QUEST.—Upon request of a person referred to
3 in subparagraph (A), the State transportation
4 agency shall issue to the person (if otherwise el-
5 igible therefor) another such license affixed to
6 which is a magnetic strip identifying the person
7 as a prohibited person.

8 (3) FUNDING OF RECORDS CHECKS.—

9 (A) INCREASE IN FINES IMPOSED UPON
10 CONVICTED FELONS.—Any person convicted in
11 the State of a crime punishable by imprison-
12 ment for a term exceeding 1 year shall, in addi-
13 tion to any sentence imposed under any other
14 provision of State law, be fined an amount suf-
15 ficient to cover the expenses of criminal records
16 checks conducted pursuant to paragraph
17 (1)(A), taking all such convictions into account
18 on an annual basis.

19 (B) SURCHARGE IMPOSED ON PROHIBITED
20 PERSONS TO OBTAIN A DRIVER'S LICENSE.—In
21 addition to any fee required to be paid by a per-
22 son to obtain a license, the State transportation
23 agency shall require a prohibited person to pay
24 surcharge in an amount determined by the
25 State to be sufficient to cover the expenses of

1 criminal records checks conducted by the agen-
2 cy pursuant to paragraph (1)(A), taking into
3 account fines imposed under subparagraph (B)
4 of this paragraph.

5 (4) REQUIREMENT TO MAINTAIN AND UPDATE
6 COMPUTERIZED LIST OF PROHIBITED PERSONS.—
7 The State shall create and maintain a computerized
8 list of all persons who are prohibited persons by rea-
9 son of a conviction or adjudication in the State, and,
10 within 2 years after the date of the enactment of
11 this Act, shall achieve and maintain at least 80 per-
12 cent currency of case dispositions in the computer-
13 ized list for all cases in which there has been an
14 entry of activity within the then immediately preced-
15 ing 5 years.

16 (b) DUTIES OF THE ATTORNEY GENERAL.—The At-
17 torney General of the United States shall—

18 (1) create a national, computerized list of pro-
19 hibited persons;

20 (2) incorporate State criminal history records
21 into the Federal criminal records system maintained
22 by the Federal Bureau of Investigation;

23 (3) develop hardware and software systems to
24 link State lists referred to in subsection (a)(4) with

1 the national list referred to in paragraph (1) of this
2 subsection; and

3 (4) provide any responsible State agency with
4 access to the national list, upon request.

5 (c) PROCEDURES FOR CORRECTING ERRONEOUS
6 RECORDS.—

7 (1) REQUEST FOR INFORMATION.—Any person
8 identified as a prohibited person in records main-
9 tained under this section may request the Attorney
10 General of the United States to notify the person of
11 the reasons therefor.

12 (2) COMPLIANCE WITH REQUEST.—Within 5
13 days after receipt of a request under paragraph (1),
14 the Attorney General shall comply with the request.

15 (3) SUBMISSION OF ADDITIONAL INFORMA-
16 TION.—Any person described in paragraph (1) may
17 submit to the Attorney General information to cor-
18 rect, clarify, or supplement records maintained
19 under this section with respect to the person.

20 (4) CONSIDERATION AND USE OF ADDITIONAL
21 INFORMATION.—Within 5 days after receipt of such
22 information, the Attorney General shall consider the
23 information, investigate the matter further, correct
24 any and all erroneous Federal records relating to
25 such person, and notify any Federal department or

1 agency or any State that was the source of the erro-
2 neous records of the errors.

3 (d) JUDICIAL REVIEW.—Any person erroneously
4 identified as a prohibited person in records maintained
5 pursuant to this section may bring an action in any United
6 States district court against the United States, or any
7 State or political subdivision thereof which is the source
8 of the erroneous information, for damages (including con-
9 sequential damages), injunctive relief, and such other re-
10 lief as the court deems appropriate. If the person prevails
11 in the action, the court shall allow the person a reasonable
12 attorney’s fee as part of the costs.

13 (e) DEFINITIONS.—As used in this section:

14 (1) LICENSE.—The term “license” means a li-
15 cense or permit to operate a motor vehicle on the
16 roads and highways of the State, and any identifica-
17 tion document issued by a State transportation
18 agency solely for purposes of identification.

19 (2) PROHIBITED PERSON.—The term “prohib-
20 ited person” means a person who—

21 (A) has been convicted of a crime punish-
22 able under Federal or State law by imprison-
23 ment for a term exceeding 1 year; or

24 (B)(i) has been adjudicated mentally in-
25 competent; and

1 (ii)(I) has not been restored to capacity by
2 court order; or

3 (II) has been so restored to capacity for
4 less than 5 years.

5 (3) STATE TRANSPORTATION AGENCY.—The
6 term “State transportation agency” means the State
7 agency responsible for issuing a license, permit, or
8 identification document described in paragraph (1).

9 (f) JUSTICE ASSISTANCE FUNDS WITHHELD FROM
10 CERTAIN STATES UNLESS CERTAIN LAWS AND PROCE-
11 DURES ARE IN EFFECT.—2 years after the date of the
12 enactment of this Act, the Director of the Bureau of Jus-
13 tice Assistance shall reduce by 25 percent the annual allo-
14 cation to a State for a fiscal year under title I of the Om-
15 nibus Crime Control and Safe Streets Act of 1968 if the
16 State has in effect, as of such date of enactment, a waiting
17 period, or a system for identifying felons, before the pur-
18 chase of a handgun, and the State does not, by the end
19 of such 2-year period, have in effect all of the laws and
20 procedures of the type described in subsection (a). If, at
21 any time after such 2-year period, any State has in effect
22 a waiting period before the purchase of a handgun, or a
23 system for identifying felons or persons adjudicated men-
24 tally incompetent other than as provided pursuant to laws
25 and procedures of the type described in subsection (a), the

1 Director of the Bureau of Justice Assistance shall reduce
2 by 25 percent the annual allocation to the State for a fis-
3 cal year under title I of the Omnibus Crime Control and
4 Safe Streets Act of 1968.

5 **SEC. 133. LICENSED FIREARMS DEALERS REQUIRED TO**
6 **CHECK MAGNETIC STRIP ON DRIVER'S LI-**
7 **CENSE OF ANY PERSON ATTEMPTING TO**
8 **PURCHASE A HANDGUN.**

9 (a) PROHIBITION.—Section 922 of title 18, United
10 States Code, as amended by section 722(a) of this Act,
11 is amended by adding at the end the following:

12 “(x)(1) It shall be unlawful for any licensed dealer
13 knowingly to—

14 “(A) sell a handgun to any person not licensed
15 under section 923, unless the licensed dealer has
16 used an electronic device described in section
17 732(a)(1)(B)(ii) of the Crime Control Act of 1994 to
18 read the magnetic strip affixed to an identification
19 document issued to the person by the transportation
20 agency of the State in which the premises of the li-
21 censed dealer is located; or

22 “(B) fail to notify local law enforcement au-
23 thorities, within 72 hours, of any person attempting
24 to purchase a handgun who is identified as a prohib-
25 ited person through the use of such a device.

1 “(2) As used in paragraph (1):

2 “(A) The term ‘handgun’ means a firearm
3 which has a short stock and is designed to be held
4 and fired by the use of a single hand.

5 “(B) The term ‘identification document’ means
6 a license or permit to operate a motor vehicle, and
7 any identification document issued solely for pur-
8 poses of identification.

9 “(C) The term ‘transportation agency’ means
10 the agency responsible for issuing commercial or
11 noncommercial identification documents.

12 “(3) Paragraph (1) shall not apply in any State that
13 does not have in effect the laws and procedures required
14 by section 732(a) of the Crime Control Act of 1994.”.

15 (b) PENALTY.—Section 924(a) of such title, as
16 amended by section 715 of this Act, is amended by adding
17 at the end the following:

18 “(7) Any licensed dealer who violates section 922(x)
19 shall be imprisoned not more than 1 year, fined not more
20 than \$1,000, or both.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section apply to conduct engaged in after the 2-year
23 period that begins with the date of the enactment of this
24 Act.

1 **Chapter 2—Other Firearms Provisions**

2 **SEC. 141. INCREASED PENALTY FOR INTERSTATE GUN**
3 **TRAFFICKING.**

4 Section 924 of title 18, United States Code, as
5 amended by sections 430, 705(e), 714(b), 718, and 722(c)
6 of this Act, is amended by adding at the end the following:

7 “(o) Whoever, with the intent to engage in conduct
8 which constitutes a violation of section 922(a)(1)(A), trav-
9 els from any State or foreign country into any other State
10 and acquires, or attempts to acquire, a firearm in such
11 other State in furtherance of such purpose shall be impris-
12 oned for not more than 10 years.”.

13 **SEC. 142. PROHIBITION AGAINST TRANSACTIONS INVOLV-**
14 **ING STOLEN FIREARMS WHICH HAVE MOVED**
15 **IN INTERSTATE OR FOREIGN COMMERCE.**

16 Section 922(j) of title 18, United States Code, is
17 amended to read as follows:

18 “(j) It shall be unlawful for any person to receive,
19 possess, conceal, store, barter, sell, or dispose of any stolen
20 firearm or stolen ammunition, or pledge or accept as secu-
21 rity for a loan any stolen firearm or stolen ammunition,
22 which is moving as, which is a part of, which constitutes,
23 or which has been shipped or transported in, interstate
24 or foreign commerce, either before or after it was stolen,

1 knowing or having reasonable cause to believe that the
2 firearm or ammunition was stolen.”.

3 **SEC. 143. ENHANCED PENALTIES FOR USE OF FIREARMS IN**
4 **CONNECTION WITH COUNTERFEITING OR**
5 **FORGERY.**

6 Section 924(c)(1) of title 18, United States Code, is
7 amended by inserting “or during and in relation to any
8 felony punishable under chapter 25,” after “United
9 States,”.

10 **SEC. 144. INCREASED PENALTY FOR KNOWINGLY FALSE,**
11 **MATERIAL STATEMENTS IN FIREARM PUR-**
12 **CHASE FROM LICENSED DEALER.**

13 Section 924(a) of title 18, United States Code, is
14 amended—

15 (1) in paragraph (1)(B), by striking “(a)(6),”;

16 and

17 (2) in paragraph (2), by inserting “(a)(6),”
18 after “subsection”.

19 **SEC. 145. REVOCATION OF SUPERVISED RELEASE FOR POS-**
20 **SESSION OF A FIREARM IN VIOLATION OF RE-**
21 **LEASE CONDITION.**

22 Section 3583 of title 18, United States Code, is
23 amended by adding at the end the following:

24 “(h) MANDATORY REVOCATION FOR POSSESSION OF
25 A FIREARM.—If the court has provided, as a condition of

1 supervised release, that the defendant refrain from pos-
2 sessing a firearm, and if the defendant is in actual posses-
3 sion of a firearm (as defined in section 921) at any time
4 prior to the expiration or termination of the term of super-
5 vised release, the court shall, after a hearing pursuant to
6 the provisions of the Federal Rules of Criminal Procedure
7 that are applicable to probation revocation, revoke the
8 term of supervised release and, subject to subsection (e)(3)
9 of this section, require the defendant to serve in prison
10 all or part of the term of supervised release without credit
11 for time previously served on post release supervision.”.

12 **SEC. 146. RECEIPT OF FIREARMS BY NONRESIDENT.**

13 Section 922(a) of title 18, United States Code, is
14 amended—

15 (1) in paragraph (7), by striking “and” at the
16 end;

17 (2) in paragraph (8), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(9) for any person, other than a licensed im-
21 porter, licensed manufacturer, licensed dealer, or li-
22 censed collector, who does not reside in any State to
23 receive any firearms unless such receipt is for lawful
24 sporting purposes.”.

1 **SEC. 147. DISPOSITION OF FORFEITED FIREARMS.**

2 Section 5872(b) of the Internal Revenue Code of
3 1986 is amended to read as follows:

4 “(b) DISPOSAL.—In the case of the forfeiture of any
5 firearm, where there is no remission or mitigation of for-
6 feiture thereof—

7 “(1) the Secretary may retain the firearm for
8 official use of the Department of the Treasury or, if
9 not so retained, offer to transfer the weapon without
10 charge to any other executive department or inde-
11 pendent establishment of the Government for official
12 use by it and, if the offer is accepted, so transfer the
13 firearm;

14 “(2) if the firearm is not disposed of pursuant
15 to paragraph (1), is a firearm other than a machine
16 gun or a firearm forfeited for a violation of this
17 chapter, is a firearm that in the opinion of the Sec-
18 retary is not so defective that its disposition pursu-
19 ant to this paragraph would create an unreasonable
20 risk of a malfunction likely to result in death or bod-
21 ily injury, and is a firearm which (in the judgment
22 of the Secretary, taking into consideration evidence
23 of present value and evidence that like firearms are
24 not available except as collector’s items, or that the
25 value of like firearms available in ordinary commer-
26 cial channels is substantially less) derives a substan-

1 tial part of its monetary value from the fact that it
2 is novel, rare, or because of its association with some
3 historical figure, period, or event, the Secretary may
4 sell the firearm, after public notice, at public sale to
5 a dealer licensed under chapter 44 of title 18, Unit-
6 ed States Code;

7 “(3) if the firearm has not been disposed of
8 pursuant to paragraph (1) or (2), the Secretary
9 shall transfer the firearm to the Administrator of
10 General Services, who shall destroy or provide for
11 the destruction of the firearm; and

12 “(4) no decision or action of the Secretary pur-
13 suant to this subsection shall be subject to judicial
14 review.”.

15 **SEC. 148. CONSPIRACY TO VIOLATE FEDERAL FIREARMS**
16 **OR EXPLOSIVES LAWS.**

17 (a) FIREARMS.—Section 924 of title 18, United
18 States Code, as amended by sections 430, 705(e), 714(b),
19 718, 722(c), and 741 of this Act, is amended by adding
20 at the end the following:

21 “(p) Whoever conspires to commit any offense pun-
22 ishable under this chapter shall be subject to the same
23 penalties as those prescribed for the offense the commis-
24 sion of which was the object of the conspiracy.”.

1 (b) EXPLOSIVES.—Section 844 of such title is
2 amended by adding at the end the following:

3 “(k) Whoever conspires to commit any offense pun-
4 ishable under this chapter shall be subject to the same
5 penalties as those prescribed for the offense the commis-
6 sion of which was the object of the conspiracy.”.

7 **SEC. 149. THEFT OF FIREARMS OR EXPLOSIVES FROM LI-**
8 **CENSEE.**

9 (a) FIREARMS.—Section 924 of title 18, United
10 States Code, as amended by sections 430, 705(e), 714(b),
11 718, 722(c), 741, and 748(a) of this Act, is amended by
12 adding at the end the following:

13 “(q) Whoever steals any firearm from a licensed im-
14 porter, licensed manufacturer, licensed dealer, or licensed
15 collector shall be fined under this title, imprisoned not
16 more than ten years, or both.”.

17 (b) EXPLOSIVES.—Section 844 of such title, as
18 amended by section 748(b) of this Act, is amended by add-
19 ing at the end the following:

20 “(l) Whoever steals any explosive material from a li-
21 censed importer, licensed manufacturer, licensed dealer, or
22 permittee shall be fined under this title, imprisoned not
23 more than ten years, or both.”.

1 **SEC. 150. PENALTIES FOR THEFT OF FIREARMS OR EXPLO-**
2 **SIVES.**

3 (a) FIREARMS.—Section 924 of title 18, United
4 States Code, as amended by sections 430, 705(e), 714(b),
5 718, 722(c), 741, 748(a), and 749(a) of this Act, is
6 amended by adding at the end the following:

7 “(r) Whoever steals any firearm which is moving as,
8 or is a part of, or which has moved in, interstate or foreign
9 commerce shall be imprisoned for not less than 2 nor more
10 than 10 years, fined under this title, or both.”.

11 (b) EXPLOSIVES.—Section 844 of such title, as
12 amended by sections 748(b) and 749(b) of this Act, is
13 amended by adding at the end the following:

14 “(m) Whoever steals any explosive materials which
15 are moving as, or are a part of, or which have moved in,
16 interstate or foreign commerce shall be imprisoned not less
17 than 2 nor more than 10 years, fined under this title, or
18 both.”.

19 **SEC. 151. PROHIBITION AGAINST DISPOSING OF EXPLO-**
20 **SIVES TO PROHIBITED PERSONS.**

21 Section 842(d) of title 18, United States Code, is
22 amended by striking “licensee” and inserting “person”.

23 **SEC. 152. PROHIBITION AGAINST THEFT OF FIREARMS OR**
24 **EXPLOSIVES.**

25 (a) FIREARMS.—Section 924 of title 18, United
26 States Code, as amended by sections 430, 705(e), 714(b),

1 718, 722(c), 741, 748(a), 749(a), and 750(a) of this Act,
2 is amended by adding at the end the following:

3 “(s) Whoever steals any firearm which is moving as,
4 or is a part of, or which has moved in, interstate or foreign
5 commerce shall be imprisoned for not less than 2 nor more
6 than 10 years, fined under this title, or both.”.

7 (b) EXPLOSIVES.—Section 844 of such title, as
8 amended by sections 748(b), 749(b), and 750(b) of this
9 Act, is amended by adding at the end the following:

10 “(n) Whoever steals any explosive materials which are
11 moving as, or are a part of, or which have moved in, inter-
12 state or foreign commerce shall be imprisoned not less
13 than 2 nor more than 10 years, fined under this title, or
14 both.”.

15 **SEC. 153. INCREASED PENALTY FOR SECOND OFFENSE OF**
16 **USING AN EXPLOSIVE TO COMMIT A FELONY.**

17 Section 844(h) of title 18, United States Code, is
18 amended by striking “ten” and inserting “20”.

19 **SEC. 154. POSSESSION OF EXPLOSIVES BY FELONS AND**
20 **OTHERS.**

21 Section 842(i) of title 18, United States Code, is
22 amended by inserting “or possess” after “to receive”.

1 **SEC. 155. POSSESSION OF EXPLOSIVES DURING THE COM-**
2 **MISSION OF A FELONY.**

3 Section 844(h) of title 18, United States Code, is
4 amended—

5 (1) in paragraph (2), by striking “carries” and
6 inserting “possesses”; and

7 (2) in the 3rd sentence, by striking “carried”
8 and inserting “possessed”.

9 **SEC. 156. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
10 **JECT TO FORFEITURE.**

11 Section 844(c) of title 18, United States Code, is
12 amended—

13 (1) by inserting “(1)” before “Any”; and

14 (2) by adding at the end the following:

15 “(2) Notwithstanding paragraph (1), in the case of
16 the seizure of any explosive materials for any offense for
17 which the materials would be subject to forfeiture where
18 it is impracticable or unsafe to remove the materials to
19 a place of storage, or where it is unsafe to store them,
20 the seizing officer is authorized to destroy the explosive
21 materials forthwith. Any destruction under this paragraph
22 shall be in the presence of at least one credible witness.
23 The seizing officer shall make a report of the seizure and
24 take samples as the Secretary may by regulation prescribe.

25 “(3) Within 60 days after any destruction made pur-
26 suant to paragraph (2), the owner of, including any person

1 having an interest in, the property so destroyed may make
2 application to the Secretary for reimbursement of the
3 value of the property. If the claimant establishes to the
4 satisfaction of the Secretary that—

5 “(A) the property has not been used or involved
6 in a violation of law; or

7 “(B) any unlawful involvement or use of the
8 property was without the claimant’s knowledge, con-
9 sent, or willful blindness,

10 the Secretary shall make an allowance to the claimant not
11 exceeding the value of the property destroyed.”.

12 **SEC. 157. ELIMINATION OF OUTMODED PAROLE LAN-**
13 **GUAGE.**

14 Section 924 of title 18, United States Code, is
15 amended—

16 (1) in subsection (c)(1), by striking “No person
17 sentenced under this subsection shall be eligible for
18 parole during the term of imprisonment imposed
19 herein.”; and

20 (2) in subsection (e)(1), by striking “, and such
21 person shall not be eligible for parole with respect to
22 the sentence imposed under this subsection”.

Subtitle D—Miscellaneous

SEC. 161. INCREASED PENALTIES FOR TRAVEL ACT CRIMES INVOLVING VIOLENCE AND CONSPIRACY TO COMMIT CONTRACT KILLINGS.

(a) TRAVEL ACT PENALTIES.—Section 1952(a) of title 18, United States Code, is amended by striking “and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.” and inserting “and thereafter performs or attempts to perform—

“(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

“(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.”.

(b) MURDER CONSPIRACY PENALTIES.—Section 1958(a) of title 18, United States Code, is amended by inserting “or who conspires to do so” before “shall be fined” the first place it appears.

1 **SEC. 162. CRIMINAL OFFENSE FOR FAILING TO OBEY AN**
2 **ORDER TO LAND A PRIVATE AIRCRAFT.**

3 (A) IN GENERAL.—Chapter 109 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 2237. Order to land**

7 “(a)(1) A pilot or operator of an aircraft that has
8 crossed the border of the United States, or an aircraft
9 subject to the jurisdiction of the United States operating
10 outside the United States, who intentionally fails to obey
11 an order to land issued by an authorized Federal law en-
12 forcement officer who has observed conduct or is otherwise
13 in possession of information establishing reasonable sus-
14 picion that the aircraft is being used unlawfully in viola-
15 tion of the laws of the United States relating to controlled
16 substances as that term is defined in section 102(6) of
17 the Controlled Substances Act, or section 1956 or 1957
18 of this title (relating to money launderings), shall be fined
19 under this title, or imprisoned for not more than 2 years,
20 or both.

21 “(2) The Secretary of the Treasury and the Secretary
22 of Transportation, in consultation with the Attorney Gen-
23 eral, shall make rules governing the means by which a
24 Federal Law enforcement officer may communicate an
25 order to land to a pilot or operator of an aircraft.

1 “(3) This section does not limit the authority of a
2 customs officer under section 581 of the Tariff Act of
3 1930 or another law the Customs Service enforces or ad-
4 ministers, or the authority of a Federal law enforcement
5 officer under a law of the United States to order an air-
6 craft to land.

7 “(b) A foreign nation may consent or waive objection
8 to the United States enforcing the laws of the United
9 States by radio, telephone, or similar oral or electronic
10 means. Consent or waiver may be proven by certification
11 of the Secretary of State or the Secretary’s designee.

12 “(c) For purposes of this section—

13 “(1) the term ‘aircraft subject to the jurisdic-
14 tion of the United States’ includes—

15 “(A) an aircraft located over the United
16 States or the customs waters of the United
17 States;

18 “(B) an aircraft located in the airspace of
19 a foreign nation, when that nation consents to
20 United States enforcement of United States
21 law; and

22 “(C) over the high seas, an aircraft with-
23 out nationality, an aircraft of the United States
24 registry, or an aircraft registered in a foreign
25 nation that has consented or waived objection

1 to the United States enforcement of United
2 States law; and

3 “(2) the term ‘Federal law enforcement officer’
4 has the same meaning that term has in section 115
5 of this title.

6 “(d) An aircraft that is used in violation of this sec-
7 tion is liable in rem for a fine imposed under this section;

8 “(e) An aircraft that is used in violation of this sec-
9 tion may be seized and forfeited. The laws relating to sei-
10 zure and forfeiture for violation of the customs laws, in-
11 cluding available defenses such as innocent owner provi-
12 sions, apply to aircraft seized or forfeited under this sec-
13 tion.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 109 of title 18, United States
16 Code, is amended by adding at the end the following new
17 item:

“2237. Order to land.”.

18 **SEC. 163. AMENDMENT TO THE MANSFIELD AMENDMENT**
19 **TO PERMIT MARITIME LAW ENFORCEMENT**
20 **OPERATIONS IN ARCHIPELAGIC WATERS.**

21 Section 481(c)(4) of Public Law 87–195 (22 U.S.C.
22 2291(c)) is amended by inserting “, and archipelagic wa-
23 ters” after “territorial sea”.

1 **SEC. 164. ENHANCEMENT OF PENALTIES FOR DRUG TRAF-**
 2 **FICKING IN PRISONS.**

3 Section 1791 of title 18, United States Code, is
 4 amended—

5 (1) in subsection (c), by inserting before “Any”
 6 the following new sentence: “Any punishment im-
 7 posed under subsection (b) for a violation of this
 8 section involving a controlled substance shall be con-
 9 secutive to any other sentence imposed by any court
 10 for an offense involving such a controlled sub-
 11 stance.”; and

12 (2) in subsection (d)(1)(A) by inserting after “a
 13 firearm or destructive device” the following, “or a
 14 controlled substance in schedule I or II, other than
 15 marijuana or a controlled substance referred to in
 16 subparagraph (C) of this subsection”.

17 **TITLE II—EQUAL PROTECTION**
 18 **FOR VICTIMS**

19 **Subtitle A—Victims’ Rights**

20 **SEC. 201. RIGHT OF THE VICTIM TO FAIR TREATMENT IN**
 21 **LEGAL PROCEEDINGS.**

22 The following rules, to be known as the Rules of Pro-
 23 fessional Conduct for Lawyers in Federal Practice, are
 24 enacted:

1 **“RULES OF PROFESSIONAL CONDUCT FOR**
2 **LAWYERS IN FEDERAL PRACTICE**

“Rule 1. Scope

“Rule 2. Abuse of Victims and Others Prohibited

“Rule 3. Duty of Enquiry in Relation to Client

“Rule 4. Duty to Expedite Litigation

“Rule 5. Duty to Prevent Commission of Crime

3 **“Rule 1. Scope**

4 “(a) These rules apply to the conduct of lawyers in
5 their representation of clients in relation to proceedings
6 and potential proceedings before Federal tribunals.

7 “(b) For purposes of these rules, ‘Federal tribunal’
8 and ‘tribunal’ mean a court of the United States.

9 **“Rule 2. Abuse of Victims and Others Prohibited**

10 “(a) A lawyer shall not engage in any action or course
11 of conduct for the purpose of increasing the expense of
12 litigation for any person, other than a liability under an
13 order or judgment of a tribunal.

14 “(b) A lawyer shall not engage in any action or course
15 of conduct that has no substantial purpose other than to
16 distress, harass, embarrass, burden, or inconvenience an-
17 other person.

18 “(c) A lawyer shall not offer evidence that the lawyer
19 knows to be false or attempt to discredit evidence that the
20 lawyer knows to be true.

1 **“Rule 3. Duty of Enquiry in Relation to Client**

2 “A lawyer shall attempt to elicit from the client a
3 truthful account of the material facts concerning the mat-
4 ters in issue. In representing a client charged with a
5 crime, the duty of enquiry under this rule includes—

6 “(1) attempting to elicit from the client a mate-
7 rially complete account of the alleged criminal activ-
8 ity if the client acknowledges involvement in the al-
9 leged activity; and

10 “(2) attempting to elicit from the client the ma-
11 terial facts relevant to a defense of alibi if the client
12 denies such involvement.

13 **“Rule 4. Duty to Expedite Litigation**

14 “(a) A lawyer shall seek to bring about the expedi-
15 tious conduct and conclusion of litigation.

16 “(b) A lawyer shall not seek a continuance or other-
17 wise attempt to delay or prolong proceedings in the hope
18 or expectation that—

19 “(1) evidence will become unavailable;

20 “(2) evidence will become more subject to im-
21 peachment or otherwise less useful to another party
22 because of the passage of time; or

23 “(3) an advantage will be obtained in relation
24 to another party because of the expense, frustration,
25 distress, or other hardship resulting from prolonged
26 or delayed proceedings.

1 **“Rule 5. Duty to Prevent Commission of Crime**

2 “(a) A lawyer may disclose information relating to
3 the representation of a client to the extent necessary to
4 prevent the commission of a crime or other unlawful act.

5 “(b) A lawyer shall disclose information relating to
6 the representation of a client where disclosure is required
7 by law. A lawyer shall also disclose such information to
8 the extent necessary to prevent—

9 “(1) the commission of a crime involving the
10 use or threatened use of force against another, or a
11 substantial risk of death or serious bodily injury to
12 another; or

13 “(2) the commission of a crime of sexual as-
14 sault or child molestation.

15 “(c) For purposes of this rule, ‘crime’ means a crime
16 under the law of the United States or the law of a State,
17 and ‘unlawful act’ means an act in violation of the law
18 of the United States or the law of a State.”.

19 **SEC. 202. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.**

20 Rule 24(b) of the Federal Rules of Criminal Proce-
21 dure is amended by striking “the Government is entitled
22 to 6 peremptory challenges and the defendant or defend-
23 ants jointly to 10 peremptory challenges” and inserting
24 “each side is entitled to 6 peremptory challenges”.

1 **SEC. 203. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

2 Rule 32 of the Federal Rules of Criminal Procedure
3 is amended—

4 (1) by striking “and” at the end of subdivision
5 (a)(1)(B);

6 (2) by striking the period at the end of subdivi-
7 sion (a)(1)(C) and inserting “; and”;

8 (3) by inserting after subdivision (a)(1)(C) the
9 following: “(D) if sentence is to be imposed for a
10 crime of violence or sexual abuse, address the victim
11 personally if the victim is present at the sentencing
12 hearing and determine if the victim wishes to make
13 a statement and to present any information in rela-
14 tion to the sentence.”;

15 (4) in the penultimate sentence of subdivision
16 (a)(1) by striking “equivalent opportunity” and in-
17 serting “opportunity equivalent to that of the de-
18 fendant’s counsel”;

19 (5) in the last sentence of subdivision (a)(1) by
20 inserting “the victim,” before “, or the attorney for
21 the Government.”; and

22 (6) by adding at the end the following new
23 subdivision:

24 “(f) DEFINITIONS.—For purposes of this rule—

25 “(1) ‘crime of violence or sexual abuse’ means
26 a crime that involved the use or attempted or threat-

1 ened use of physical force against the person or
 2 property of another, or a crime under chapter 109A
 3 of title 18, United States Code; and

4 “(2) ‘victim’ means an individual against whom
 5 an offense for which a sentence is to be imposed has
 6 been committed, but the right of allocution under
 7 subdivision (a)(1)(D) may be exercised instead by—

8 “(A) a parent or legal guardian if the vic-
 9 tim is below the age of 18 years or incompetent;
 10 or

11 “(B) one or more family members or rel-
 12 atives designated by the court if the victim is
 13 deceased or incapacitated,

14 if such person or persons are present at the sentenc-
 15 ing hearing, regardless of whether the victim is
 16 present.”.

17 **SEC. 204. ENFORCEMENT OF RESTITUTION ORDERS**
 18 **THROUGH SUSPENSION OF FEDERAL BENE-**
 19 **FITS.**

20 Section 3663 of title 18, United States Code, is
 21 amended—

22 (1) by redesignating subsections (g) and (h) as
 23 subsections (h) and (i), respectively; and

24 (2) by inserting after subsection (f) the follow-
 25 ing new subsection:

1 “(g)(1) If the defendant is delinquent in making res-
2 titution in accordance with any schedule of payments or
3 any requirement of immediate payment imposed under
4 this section, the court may, after a hearing, suspend the
5 defendant’s eligibility for all Federal benefits until such
6 time as the defendant demonstrates to the court good-
7 faith efforts to return to such schedule.

8 “(2) For purposes of this subsection—

9 “(A) the term ‘Federal benefits’—

10 “(i) means any grant, contract, loan, pro-
11 fessional license, or commercial license provided
12 by an agency of the United States or appro-
13 priated funds of the United States; and

14 “(ii) does not include any retirement, wel-
15 fare, Social Security, health, disability, veterans
16 benefit, public housing, or other similar benefit,
17 or any other benefit for which payments or
18 services are required for eligibility; and

19 “(B) the term ‘veterans benefit’ means all bene-
20 fits provided to veterans, their families, or survivors
21 by virtue of the service of a veteran in the Armed
22 Forces of the United States.”.

1 **SEC. 205. PROHIBITION OF RETALIATORY KILLINGS OF**
2 **WITNESSES, VICTIMS AND INFORMANTS.**

3 Section 1513 of title 18, United States Code, is
4 amended—

5 (1) by redesignating subsections (a) and (b) as
6 subsections (b) and (c), respectively; and

7 (2) by inserting a new subsection (a) as follows:

8 “(a)(1) Whoever kills or attempts to kill another per-
9 son with intent to retaliate against any person for—

10 “(A) the attendance of a witness or party at an
11 official proceeding, or any testimony given or any
12 record, document, or other object produced by a wit-
13 ness in an official proceeding; or

14 “(B) any information relating to the commis-
15 sion or possible commission of a Federal offense or
16 a violation of conditions of probation, parole or re-
17 lease pending judicial proceedings given by a person
18 to a law enforcement officer;

19 shall be punished as provided in paragraph (2).

20 “(2) The punishment for an offense under this sub-
21 section is—

22 “(A) in the case of a killing, the punishment
23 provided in sections 1111 and 1112 of this title; and

24 “(B) in the case of an attempt, imprisonment
25 for not more than twenty years.”.

1 **Subtitle B—Judicial Reform**

2 **SEC. 211. ADMISSIBILITY OF EVIDENCE OF SIMILAR**
3 **CRIMES IN SEX OFFENSE CASES.**

4 The Federal Rules of Evidence are amended by add-
5 ing after Rule 412 the following new rules:

6 **“Rule 413. Evidence of Similar Crimes in Sexual Assault Cases**

7 “(a) EVIDENCE ADMISSIBLE.—In a criminal case in
8 which the defendant is accused of an offense of sexual as-
9 sault, evidence of the defendant’s commission of another
10 offense or offenses of sexual assault is admissible, and
11 may be considered for its bearing on any matter to which
12 it is relevant.

13 “(b) DISCLOSURE TO DEFENDANT.—In a case in
14 which the government intends to offer evidence under this
15 Rule, the attorney for the government shall disclose the
16 evidence to the defendant, including statements of wit-
17 nesses or a summary of the substance of any testimony
18 that is expected to be offered, at least 15 days before the
19 scheduled date of trial or at such later time as the court
20 may allow for good cause.

21 “(c) EFFECT ON OTHER RULES.—This Rule shall
22 not be construed to limit the admission or consideration
23 of evidence under any other Rule.

24 “(d) DEFINITION.—For purposes of this Rule and
25 Rule 415, ‘offense of sexual assault’ means a crime under

1 Federal law or the law of a State (as defined in section
2 513 of title 18, United States Code) that involved—

3 “(1) any conduct proscribed by chapter 109A of
4 title 18, United States Code;

5 “(2) contact, without consent, between any part
6 of the defendant’s body or an object and the genitals
7 or anus of another person;

8 “(3) contact, without consent, between the geni-
9 tals or anus of the defendant and any part of an-
10 other person’s body;

11 “(4) deriving sexual pleasure or gratification
12 from the infliction of death, bodily injury, or phys-
13 ical pain on another person; or

14 “(5) an attempt or conspiracy to engage in con-
15 duct described in any of paragraphs (1) through (4).

16 **“Rule 414. Evidence of Similar Crimes in Child Molestation**
17 **Cases**

18 “(a) EVIDENCE ADMISSIBLE.—In a criminal case in
19 which the defendant is accused of an offense of child mo-
20 lestation, evidence of the defendant’s commission of an-
21 other offense or offenses of child molestation is admissible,
22 and may be considered for its bearing on any matter to
23 which it is relevant.

24 “(b) DISCLOSURE TO DEFENDANT.—In a case in
25 which the government intends to offer evidence under this

1 Rule, the attorney for the government shall disclose the
2 evidence to the defendant, including statements of wit-
3 nesses or a summary of the substance of any testimony
4 that is expected to be offered, at least 15 days before the
5 scheduled date of trial or at such later time as the court
6 may allow for good cause.

7 “(c) EFFECT ON OTHER RULES.—This Rule shall
8 not be construed to limit the admission or consideration
9 of evidence under any other Rule.

10 “(d) DEFINITION.—For purposes of this Rule and
11 Rule 415, ‘child’ means a person below the age of 14
12 years, and ‘offense of child molestation’ means a crime
13 under Federal law or the law of a State (as defined in
14 section 513 of title 18, United States Code) that in-
15 volved—

16 “(1) any conduct proscribed by chapter 109A of
17 title 18, United States Code, that was committed in
18 relation to a child;

19 “(2) any conduct proscribed by chapter 110 of
20 title 18, United States Code;

21 “(3) contact between any part of the defend-
22 ant’s body or an object and the genitals or anus of
23 a child;

24 “(4) contact between the genitals or anus of the
25 defendant and any part of the body of a child;

1 “(5) deriving sexual pleasure or gratification
2 from the infliction of death, bodily injury, or phys-
3 ical pain on a child; or

4 “(6) an attempt or conspiracy to engage in con-
5 duct described in any of paragraphs (1) through (5).

6 **“Rule 415. Evidence of Similar Acts in Civil Cases Concerning**
7 **Sexual Assault or Child Molestation**

8 “(a) EVIDENCE ADMISSIBLE.—In a civil case in
9 which a claim for damages or other relief is predicated
10 on a party’s alleged commission of conduct constituting
11 an offense of sexual assault or child molestation, evidence
12 of that party’s commission of another offense or offenses
13 of sexual assault or child molestation is admissible and
14 may be considered as provided in Rule 413 and Rule 414
15 of these Rules.

16 “(b) DISCLOSURE TO OTHER PARTIES.—A party who
17 intends to offer evidence under this Rule shall disclose the
18 evidence to the party against whom it will be offered, in-
19 cluding statements of witnesses or a summary of the sub-
20 stance of any testimony that is expected to be offered, at
21 least 15 days before the scheduled date of trial or at such
22 later time as the court may allow for good cause.

23 “(c) EFFECT ON OTHER RULES.—This Rule shall
24 not be construed to limit the admission or consideration
25 of evidence under any other Rule.”.

1 **SEC. 212. EXTENSION AND STRENGTHENING OF RAPE VIC-**
2 **TIM SHIELD LAW.**

3 (a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—

4 Rule 412 of the Federal Rules of Evidence is amended—

5 (1) in subdivisions (a) and (b), by striking
6 “criminal case” and inserting “criminal or civil
7 case”;

8 (2) in subdivisions (a) and (b), by striking “an
9 offense under chapter 109A of title 18, United
10 States Code,” and inserting “an offense or civil
11 wrong involving conduct proscribed by chapter 109A
12 of title 18, United States Code, whether or not the
13 conduct occurred in the special maritime and terri-
14 torial jurisdiction of the United States or in a Fed-
15 eral prison,”;

16 (3) in subdivision (a), by striking “victim of
17 such offense” and inserting “victim of such con-
18 duct”;

19 (4) in subdivision (c)—

20 (A) by striking in paragraph (1) “the per-
21 son accused of committing an offense under
22 chapter 109A of title 18, United States Code”
23 and inserting “the accused”; and

24 (B) by inserting at the end of paragraph
25 (3) the following: “An order admitting evidence
26 under this paragraph shall explain the reason-

1 ing leading to the finding of relevance, and the
2 basis of the finding that the probative value of
3 the evidence outweighs the danger of unfair
4 prejudice notwithstanding the potential of the
5 evidence to humiliate and embarrass the alleged
6 victim and to result in unfair or biased infer-
7 ences.”; and

8 (5) in subdivision (d), by striking “an offense
9 under chapter 109A of title 18, United States Code”
10 and inserting “the conduct proscribed by chapter
11 109A of title 18, United States Code,”.

12 (b) INTERLOCUTORY APPEAL.—Section 3731 of title
13 18, United States Code, is amended by inserting after the
14 second paragraph the following:

15 “An appeal by the United States before trial shall
16 lie to a court of appeals from an order of a district court
17 admitting evidence of an alleged victim’s past sexual be-
18 havior in a criminal case in which the defendant is charged
19 with an offense involving conduct proscribed by chapter
20 109A of this title, whether or not the conduct occurred
21 in the special maritime and territorial jurisdiction of the
22 United States or in a Federal prison.”.

1 **SEC. 213. INADMISSIBILITY OF EVIDENCE TO SHOW PROVO-**
2 **CATION OR INVITATION BY VICTIM IN SEX**
3 **OFFENSE CASES.**

4 The Federal Rules of Evidence are amended by add-
5 ing after Rule 415 (as added by section 421 of this Act)
6 the following:

7 **“Rule 416. Inadmissibility of evidence to show invita-**
8 **tion or provocation by victim in sexual**
9 **abuse cases**

10 “In a criminal case in which a person is accused of
11 an offense involving conduct proscribed by chapter 109A
12 of title 18, United States Code, whether or not the conduct
13 occurred in the special maritime and territorial jurisdic-
14 tion of the United States or in a Federal prison, evidence
15 is not admissible to show that the alleged victim invited
16 or provoked the commission of the offense. This Rule does
17 not limit the admission of evidence of consent by the al-
18 leged victim if the issue of consent is relevant to liability
19 and the evidence is otherwise admissible under these
20 Rules.”.

21 **SEC. 214. ADMISSIBILITY OF CERTAIN EVIDENCE.**

22 (a) IN GENERAL.—Chapter 223 of title 18, United
23 States Code, is amended by adding at the end the follow-
24 ing:

1 **“§ 3510. Admissibility of evidence obtained by search**
2 **or seizure**

3 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
4 SONABLE SEARCH OR SEIZURE.—Evidence which is ob-
5 tained as a result of a search or seizure shall not be ex-
6 cluded in a proceeding in a court of the United States
7 on the ground that the search or seizure was in violation
8 of the fourth amendment to the Constitution of the United
9 States, if the search or seizure was carried out in cir-
10 cumstances justifying an objectively reasonable belief that
11 it was in conformity with the fourth amendment. The fact
12 that evidence was obtained pursuant to and within the
13 scope of a warrant constitutes prima facie evidence of the
14 existence of such circumstances.

15 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
16 RULE.—Evidence shall not be excluded in a proceeding
17 in a court of the United States on the ground that it was
18 obtained in violation of a statute, an administrative rule
19 or regulation, or a rule of procedure unless exclusion is
20 expressly authorized by statute or by a rule prescribed by
21 the Supreme Court pursuant to statutory authority.

22 “(c) RULE OF CONSTRUCTION.—This section shall
23 not be construed to require or authorize the exclusion of
24 evidence in any proceeding.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 223 of title 18, United States
3 Code, is amended by adding at the end the following:

“3510. Admissibility of evidence obtained by search or seizure.”.

4 **SEC. 215. GENERAL SAFEGUARDS AGAINST RACIAL PREJU-**
5 **DICE OR BIAS IN THE TRIBUNAL.**

6 In a criminal trial in a court of the United States,
7 or of any State—

8 (1) on motion of the defense attorney or pros-
9 ecutor, the risk of racial prejudice or bias shall be
10 examined on voir dire if there is a substantial likeli-
11 hood in the circumstances of the case that such prej-
12 udice or bias will affect the jury either against or in
13 favor of the defendant;

14 (2) on motion of the defense attorney or pros-
15 ecutor, a change of venue shall be granted if an im-
16 partial jury cannot be obtained in the original venue
17 because of racial prejudice or bias; and

18 (3) neither the prosecutor nor the defense at-
19 torney shall make any appeal to racial prejudice or
20 bias in statements before the jury.

21 **SEC. 216 PROTECTION OF JURORS AND WITNESSES IN CAP-**
22 **ITAL CASES.**

23 Section 3432 of title 18, United States Code, is
24 amended by inserting before the period the following: “,
25 except that such list of the veniremen and witnesses need

1 not be furnished if the court finds by a preponderance of
2 the evidence that providing the list may jeopardize the life
3 or safety of any person”.

4 **SEC. 217. PROTECTION OF COURT OFFICERS AND JURORS.**

5 Section 1503 of title 18, United States Code, is
6 amended—

7 (1) by designating the current text as sub-
8 section (a);

9 (2) by striking “fined not more than \$5,000 or
10 imprisoned not more than five years, or both.” and
11 inserting “punished as provided in subsection (b).”;

12 (3) by adding at the end the following:

13 “(b) The punishment for an offense under this sec-
14 tion is—

15 “(1) in the case of a killing, the punishment
16 provided in sections 1111 and 1112 of this title;

17 “(2) in the case of an attempted killing, or a
18 case in which the offense was committed against a
19 petit juror and in which a class A or B felony was
20 charged, imprisonment for not more than twenty
21 years; and

22 “(3) in any other case, imprisonment for not
23 more than ten years.”; and

1 (4) in subsection (a), as designated by this sec-
2 tion, by striking “commissioner” each place it ap-
3 pears and inserting “magistrate judge”.

4 **SEC. 218. DEATH PENALTY FOR MURDER OF FEDERAL WIT-**
5 **NESSES.**

6 Section 1512(a)(2)(A) of title 18, United States
7 Code, is amended to read as follows:

8 “(A) in the case of murder as defined in section
9 1111 of this title, the death penalty or imprisonment
10 for life, and in the case of any other killing, the pun-
11 ishment provided in section 1112 of this title;”.

12 **SEC. 219. AMENDMENT OF RESTITUTION PROVISIONS.**

13 (a) ORDER OF RESTITUTION.—Section 3663 of title
14 18, United States Code, is amended—

15 (1) in subsection (a) by—

16 (A) striking “(a) The court” and inserting
17 “(a)(1) The court”;

18 (B) striking “may order” and inserting
19 “shall order”; and

20 (C) adding at the end thereof the following
21 new paragraph:

22 “(4) In addition to ordering restitution of the victim
23 of the offense of which a defendant is convicted, a court
24 may order restitution of any person who, as shown by a
25 preponderance of evidence, was harmed physically, emo-

1 tionally, or pecuniarily, by unlawful conduct of the defend-
2 ant during—

3 “(A) the criminal episode during which the of-
4 fense occurred; or

5 “(B) the course of a scheme, conspiracy, or pat-
6 tern of unlawful activity related to the offense.”;

7 (2) in subsection (b)(1)(A) by striking “imprac-
8 tical” and inserting “impracticable”;

9 (3) in subsection (b)(2) by inserting “emotional
10 or” after “resulting in”;

11 (4) in subsection (c) by striking “If the Court
12 decides to order restitution under this section, the”
13 and inserting “The”;

14 (5) by striking subsections (d), (e), (f), (g), and
15 (h); and

16 (6) by adding at the end thereof the following
17 new subsections:

18 “(d)(1) The court shall order restitution to a victim
19 in the full amount of the victim’s losses as determined by
20 the court and without consideration of—

21 “(A) the economic circumstances of the of-
22 fender; or

23 “(B) the fact that a victim has received or is
24 entitled to receive compensation with respect to a
25 loss from insurance or any other source.

1 “(2) Upon determination of the amount of restitution
2 owed to each victim, the court shall specify in the restitu-
3 tion order the manner in which and the schedule according
4 to which the restitution is to be paid, in consideration of—

5 “(A) the financial resources and other assets of
6 the offender;

7 “(B) projected earnings and other income of
8 the offender; and

9 “(C) any financial obligations of the offender,
10 including obligations to dependents.

11 “(3) A restoration order may direct the offender to
12 make a single, lump-sum payment, partial payment at
13 specified intervals, or such in-kind payments as may be
14 agreeable to the victim and the offender.

15 “(4) An in-kind payment described in paragraph (3)
16 may be in the form of—

17 “(A) return of property;

18 “(B) replacement of property; or

19 “(C) services rendered to the victim or to a per-
20 son or organization other than the victim.

21 “(e) When the court finds that more than 1 offender
22 has contributed to the loss of a victim, the court may make
23 each offender liable for payment of the full amount of res-
24 titution or may apportion liability among the offenders to

1 reflect the level of contribution and economic cir-
2 cumstances of each offender.

3 “(f) When the court finds that more than 1 victim
4 has sustained a loss requiring restitution by an offender,
5 the court shall order full restitution of each victim but may
6 provide for different payment schedules to reflect the eco-
7 nomic circumstances of each victim.

8 “(g)(1) If the victim has received or is entitled to re-
9 ceive compensation with respect to a loss from insurance
10 or any other source, the court shall order that restitution
11 be paid to the person who provided or is obligated to pro-
12 vide the compensation, but the restitution order shall pro-
13 vide that all restitution of victims required by the order
14 be paid to the victims before any restitution is paid to
15 such a provider of compensation.

16 “(2) The issuance of a restitution order shall not af-
17 fect the entitlement of a victim to receive compensation
18 with respect to a loss from insurance or any other source
19 until the payments actually received by the victim under
20 the restitution order fully compensate the victim for the
21 loss, at which time a person that has provided compensa-
22 tion to the victim shall be entitled to receive any payments
23 remaining to be paid under the restitution order.

1 “(3) Any amount paid to a victim under an order of
2 restitution shall be set off against any amount later recov-
3 ered as compensatory damages by the victim in—

4 “(A) any Federal civil proceeding; and

5 “(B) any State civil proceeding, to the extent
6 provided by the law of the State.

7 “(h) A restitution order shall provide that—

8 “(1) all fines, penalties, costs, restitution pay-
9 ments and other forms of transfers of money or
10 property made pursuant to the sentence of the court
11 shall be made by the offender to the clerk of the
12 court for accounting and payment by the clerk in ac-
13 cordance with this subsection;

14 “(2) the clerk of the court shall—

15 “(A) log all transfers in a manner that
16 tracks the offender’s obligations and the cur-
17 rent status in meeting those obligations, unless,
18 after efforts have been made to enforce the res-
19 titution order and it appears that compliance
20 cannot be obtained, the court determines that
21 continued recordkeeping under this subpara-
22 graph would not be useful;

23 “(B) notify the court and the interested
24 parties when an offender is 90 days in arrears
25 in meeting those obligations; and

1 “(C) disburse money received from an of-
2 fender so that each of the following obligations
3 is paid in full in the following sequence:

4 “(i) a penalty assessment under sec-
5 tion 3013 of title 18, United States Code;

6 “(ii) restitution of all victims; and

7 “(iii) all other fines, penalties, costs,
8 and other payments required under the
9 sentence; and

10 “(3) the offender shall advise the clerk of the
11 court of any change in the offender’s address during
12 the term of the restitution order.

13 “(i) A restitution order shall constitute a lien against
14 all property of the offender and may be recorded in any
15 Federal or State office for the recording of liens against
16 real or personal property.

17 “(j) Compliance with the schedule of payment and
18 other terms of a restitution order shall be a condition of
19 any probation, parole, or other form of release of an of-
20 fender. If a defendant fails to comply with a restitution
21 order, the court may revoke probation or a term of super-
22 vised release, modify the term or conditions of probation
23 or a term of supervised release, hold the defendant in con-
24 tempt of court, enter a restraining order or injunction,
25 order the sale of property of the defendant, accept a per-

1 formance bond, or take any other action necessary to ob-
2 tain compliance with the restitution order. In determining
3 what action to take, the court shall consider the defend-
4 ant's employment status, earning ability, financial re-
5 sources, the willfulness in failing to comply with the res-
6 titution order, and any other circumstances that may have
7 a bearing on the defendant's ability to comply with the
8 restitution order.

9 “(k) An order of restitution may be enforced—

10 “(1) by the United States—

11 “(A) in the manner provided for the collec-
12 tion and payment of fines in subchapter (B) of
13 chapter 229 of this title; or

14 “(B) in the same manner as a judgment in
15 a civil action; and

16 “(2) by a victim named in the order to receive
17 the restitution, in the same manner as a judgment
18 in a civil action.

19 “(l) A victim or the offender may petition the court
20 at any time to modify a restitution order as appropriate
21 in view of a change in the economic circumstances of the
22 offender.”.

23 (b) PROCEDURE FOR ISSUING ORDER OF RESTITU-
24 TION.—Section 3664 of title 18, United States Code, is
25 amended—

1 (1) by striking subsection (a);

2 (2) by redesignating subsections (b), (c), (d),
3 and (e) as subsections (a), (b), (c), and (d);

4 (3) by amending subsection (a), as redesignated
5 by paragraph (2), to read as follows:

6 “(a) The court may order the probation service of the
7 court to obtain information pertaining to the amount of
8 loss sustained by any victim as a result of the offense,
9 the financial resources of the defendant, the financial
10 needs and earning ability of the defendant and the defend-
11 ant’s dependents, and such other factors as the court
12 deems appropriate. The probation service of the court
13 shall include the information collected in the report of
14 presentence investigation or in a separate report, as the
15 court directs.”; and

16 (4) by adding at the end thereof the following
17 new subsection:

18 “(e) The court may refer any issue arising in connec-
19 tion with a proposed order of restitution to a magistrate
20 or special master for proposed findings of fact and rec-
21 ommendations as to disposition, subject to a de novo de-
22 termination of the issue by the court.”.

**TITLE III—PROTECTING
FAMILIES AND COMMUNITIES
Subtitle A—Safe Neighborhoods**

**SEC. 301. INCREASED PENALTIES FOR DRUG TRAFFICKING
NEAR SCHOOLS.**

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking “one year” and inserting “3 years”; and

(2) in subsection (b) by striking “three years” each place it appears and inserting “5 years”.

SEC. 302. FEDERAL SAFE SCHOOL DISTRICTS.

(a) ELECTION TO QUALIFY.—

(1) IN GENERAL.—By decision of a local educational agency or by referendum of the voters in a school district served by a local educational agency, a school district may elect to qualify as a Federal safe school district under this section.

(2) DEFINITION.—For purposes of this section, the term “local educational agency” shall have the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(b) FUNDING FOR ENHANCED SCHOOL SECURITY.—

(1) IN GENERAL.—The Attorney General may make a grant to a local educational agency serving

1 a Federal safe school district or to a local law en-
2 forcement agency with jurisdiction over the school
3 district, as appropriate, to pay for enhanced school
4 security measures.

5 (2) ENHANCED SCHOOL SECURITY MEAS-
6 URES.—The measures that may be funded by a
7 grant under paragraph (1) include—

8 (A) equipping schools with metal detectors,
9 fences, closed circuit cameras, and other phys-
10 ical security measures;

11 (B) providing increased police patrols in
12 and around schools, including police hired pur-
13 suant to this title;

14 (C) mailings to parents at the beginning of
15 the school year stating that the possession of a
16 gun or other weapon in school will not be toler-
17 ated by school authorities;

18 (D) signs on each school indicating that
19 the school is part of a Federal Safe School Dis-
20 trict; and

21 (E) gun hotlines.

22 **SEC. 303. ENHANCED LOCAL LAW ENFORCEMENT.**

23 (a) IN GENERAL.—Title I of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
25 et seq.) is amended—

1 (1) by redesignating part Q as part R;

2 (2) by redesignating section 1701 as section
3 1801; and

4 (3) by inserting after part P the following:

5 **“PART Q—COPS ON THE STREET GRANTS**

6 **“SEC. 1701. GRANT AUTHORIZATION.**

7 “The Director of the Bureau of Justice Assistance
8 may make not less than 50, but not more than 100 grants
9 to units of local government for the purposes of increasing
10 police presence in the community.

11 **“SEC. 1702. APPLICATION.**

12 “(a) IN GENERAL.—To be eligible to receive a grant
13 under this part, a chief executive of a unit of local govern-
14 ment, shall submit an application to the Director. The ap-
15 plication shall contain the information required under sub-
16 section (b) and be in such form and contain such other
17 information as the Director may reasonably require.

18 “(b) GENERAL CONTENTS.—Each application under
19 subsection (a) shall include a crime reduction plan which
20 includes—

21 “(1) a request for funds available under this
22 part for the purposes described in section 1701;

23 “(2) a description of the areas and populations
24 to be served by the grant and a description of the

1 crime problems within the areas targeted for assist-
2 ance;

3 “(3) information required to be considered by
4 the Director under section 1704;

5 “(4) assurances that Federal funds received
6 under this part shall be used to supplement, not
7 supplant, non-Federal funds that would otherwise be
8 available for activities funded under this part;

9 “(5) detailed accounts of expenditures for law
10 enforcement for the preceding 5-year period prior to
11 receiving a grant under this part;

12 “(6) detailed accounts of local expenditures for
13 law enforcement during any prior years in which
14 grants were received under this part;

15 “(7) a description of how a portion of the grant
16 would be used to ensure the safety of public and pri-
17 vate elementary and secondary schools; and

18 “(8) an evaluation component, including per-
19 formance standards and quantifiable goals to be
20 used to determine project progress and the data to
21 be collected to measure progress toward meeting the
22 plan’s goals.

23 **“SEC. 1703. ADMINISTRATIVE COSTS; GRANT RENEWAL.**

24 “(a) ADMINISTRATIVE COST LIMITATION.—The Di-
25 rector shall use not more than 5 percent of the funds avail-

1 able under this part for the purposes of administration,
2 technical assistance, and evaluation.

3 “(b) RENEWAL OF GRANTS.—A grant under this
4 part may be renewed, subject to the availability of funds,
5 if the Director determines that the funds made available
6 to the recipient during the previous year were used in a
7 manner required under the approved application and the
8 requirements of this part.

9 **“SEC. 1704. SELECTION OF RECIPIENTS.**

10 “In awarding grants to units of local government
11 under this part, the Director shall consider—

12 “(1) the crime rate per capita in the unit of
13 local government for violent crime, including murder,
14 rape, robbery, assault with a weapon, and kidnap-
15 ping; and

16 “(2) the rate of increase of violent crime in
17 such unit of local government over the most recent
18 3-year period for which statistics are available.

19 **“SEC. 1705. REPORTS.**

20 “(a) REPORT TO DIRECTOR.—Recipients who receive
21 funds under this part shall submit to the Director not
22 later than March 1 of each year a report that describes
23 progress achieved in carrying out the plan required under
24 section 1702(b).

1 “(b) REPORT TO CONGRESS.—The Director shall
 2 submit to the Congress a report by October 1 of each year
 3 that shall contain a detailed statement regarding grant
 4 awards, activities of grant recipients, and an evaluation
 5 of projects established under this part.

6 **“SEC. 1706. DEFINITION.**

7 “For the purposes of this part, the term ‘Director’
 8 means the Director of the Bureau of Justice Assistance.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
 10 tents of title I of the Omnibus Crime Control and Safe
 11 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
 12 by striking the matter relating to part Q and inserting
 13 the following:

 “PART Q—COMMUNITY POLICING; COP ON THE BEAT GRANTS

 “Sec. 1701. Grant authorization.

 “Sec. 1702. Application.

 “Sec. 1703. Allocation of funds; limitation on grants.

 “Sec. 1704. Award of grants.

 “Sec. 1705. Reports.

 “Sec. 1706. Definitions.

 “PART R—TRANSITION; EFFECTIVE DATE; REPEALER

 “Sec. 1801. Continuation of rules, authorities, and proceedings.”.

14 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 1001(a) of title I of the Omnibus Crime Con-
 16 trol and Safe Streets Act of 1968 (42 U.S.C. 3793) is
 17 amended by adding at the end the following:

18 “(12) There are authorized to be appropriated
 19 \$330,000,000 for each of the fiscal years 1994 through
 20 1998 to carry out the projects under part Q.”.

1 **SEC. 305. COMMUNITY POLICING GRANTS.**

2 (a) IN GENERAL.—Title I of the Omnibus Crime
3 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
4 et seq.), as amended by section 112(a), is amended—

5 (1) by redesignating part R as part S;

6 (2) by redesignating section 1801 as section
7 1901; and

8 (3) by inserting after part Q the following new
9 part:

10 **“PART R—COMMUNITY POLICING GRANTS**

11 **“SEC. 1801. GRANT AUTHORIZATION.**

12 “(a) GRANT PROJECTS.—The Director of the Bureau
13 of Justice Assistance may make grants to units of local
14 government and to community groups to establish or ex-
15 pand cooperative efforts between police and a community
16 for the purposes of increasing police presence in the com-
17 munity, including—

18 “(1) developing innovative neighborhood-ori-
19 ented policing programs;

20 “(2) providing new technologies to reduce the
21 amount of time officers spend processing cases in-
22 stead of patrolling the community;

23 “(3) purchasing equipment to improve commu-
24 nications between officers and the community and to
25 improve the collection, analysis, and use of informa-
26 tion about crime-related community problems;

1 “(4) developing policies that reorient police em-
2 phasis from reacting to crime to preventing crime;

3 “(5) creating decentralized police substations
4 throughout the community to encourage interaction
5 and cooperation between the public and law enforce-
6 ment personnel on a local level;

7 “(6) providing training and problem solving for
8 community crime problems;

9 “(7) providing training in cultural differences
10 for law enforcement officials;

11 “(8) developing community-based crime preven-
12 tion programs, such as safety programs for senior
13 citizens, community anticrime groups, and other
14 anticrime awareness programs;

15 “(9) developing crime prevention programs in
16 communities that have experienced a recent increase
17 in gang-related violence; and

18 “(10) developing projects following the model
19 under subsection (b).

20 “(b) MODEL PROJECT.—The Director shall develop
21 a written model that informs community members regard-
22 ing—

23 “(1) how to identify the existence of a drug or
24 gang house;

1 “(2) what civil remedies, such as public nuisance violations and civil suits in small claims court,
2 are available; and

3 “(3) what mediation techniques are available
4 between community members and individuals who
5 have established a drug or gang house in the community.
6 community.

7 **“SEC. 1802. APPLICATION.**

8 “(a) IN GENERAL.—(1) To be eligible to receive a
9 grant under this part, a chief executive of a unit of local
10 government, a duly authorized representative of a combination of local governments within a geographic region,
11 or a community group shall submit an application to the
12 Director in such form and containing such information as
13 the Director may reasonably require.

14 “(2) In an application under paragraph (1), a single
15 office, or agency (public, private, or nonprofit) shall be
16 designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

17 “(b) GENERAL CONTENTS.—Each application under
18 subsection (a) shall include—

19 “(1) a request for funds available under this
20 part for the purposes described in section 1801;

1 “(2) a description of the areas and populations
2 to be served by the grant; and

3 “(3) assurances that Federal funds received
4 under this part shall be used to supplement, not
5 supplant, non-Federal funds that would otherwise be
6 available for activities funded under this part.

7 “(c) COMPREHENSIVE PLAN.—Each application shall
8 include a comprehensive plan that contains—

9 “(1) a description of the crime problems within
10 the areas targeted for assistance;

11 “(2) a description of the projects to be devel-
12 oped;

13 “(3) a description of the resources available in
14 the community to implement the plan together with
15 a description of the gaps in the plan that cannot be
16 filled with existing resources;

17 “(4) an explanation of how the requested grant
18 shall be used to fill those gaps;

19 “(5) a description of the system the applicant
20 shall establish to prevent and reduce crime problems;
21 and

22 “(6) an evaluation component, including per-
23 formance standards and quantifiable goals the appli-
24 cant shall use to determine project progress, and the

1 data the applicant shall collect to measure progress
2 toward meeting project goals.

3 **“SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON**
4 **GRANTS.**

5 “(a) ALLOCATION.—The Director shall allocate not
6 less than 75 percent of the funds available under this part
7 to units of local government or combinations of such units
8 and not more than 20 percent of the funds available under
9 this part to community groups.

10 “(b) ADMINISTRATIVE COST LIMITATION.—The Di-
11 rector shall use not more than 5 percent of the funds avail-
12 able under this part for the purposes of administration,
13 technical assistance, and evaluation.

14 “(c) RENEWAL OF GRANTS.—A grant under this part
15 may be renewed, subject to the availability of funds, if the
16 Director determines that the funds made available to the
17 recipient during the previous year were used in a manner
18 required under the approved application and if the recipi-
19 ent can demonstrate significant progress toward achieving
20 the goals of the plan required under section 1802(c).

21 “(d) FEDERAL SHARE.—The Federal share of a
22 grant made under this part may not exceed 75 percent
23 of the total costs of the projects described in the applica-
24 tion submitted under section 1802 for the fiscal year for
25 which the projects receive assistance under this part.

1 **“SEC. 1804. AWARD OF GRANTS.**

2 “(a) SELECTION OF RECIPIENTS.—The Director
3 shall consider the following factors in awarding grants to
4 units of local government or combinations of such units
5 under this part:

6 “(1) NEED AND ABILITY.—Demonstrated need
7 and evidence of the ability to provide the services de-
8 scribed in the plan required under section 1802(c).

9 “(2) COMMUNITY-WIDE RESPONSE.—Evidence
10 of the ability to coordinate community-wide response
11 to crime.

12 “(3) MAINTAIN PROGRAM.—The ability to
13 maintain a program to control and prevent crime
14 after funding under this part is no longer available.

15 “(b) GEOGRAPHIC DISTRIBUTION.—The Director
16 shall attempt to achieve, to the extent practicable, an equi-
17 table geographic distribution of grant awards.

18 **“SEC. 1805. REPORTS.**

19 “(a) REPORT TO DIRECTOR.—Recipients who receive
20 funds under this part shall submit to the Director not
21 later than March 1 of each year a report that describes
22 progress achieved in carrying out the plan required under
23 section 1802(c).

24 “(b) REPORT TO CONGRESS.—The Director shall
25 submit to the Congress a report by October 1 of each year
26 containing—

1 “(1) a detailed statement regarding grant
2 awards and activities of grant recipients; and

3 “(2) an evaluation of projects established under
4 this part.

5 **“SEC. 1806. DEFINITIONS.**

6 “In this part—

7 “‘community group’ means a community-based
8 nonprofit organization that has a primary purpose of
9 crime prevention.

10 “‘Director’ means the Director of the Bureau
11 of Justice Assistance.”.

12 (b) TECHNICAL AMENDMENT.—The table of contents
13 of title I of the Omnibus Crime Control and Safe Streets
14 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
15 tion 112(b), is amended by striking the matter relating
16 to part R and inserting the following:

“PART R—COMMUNITY POLICING GRANTS

“Sec. 1801. Grant authorization.

“Sec. 1802. Application.

“Sec. 1803. Allocation of funds; limitations on grants.

“Sec. 1804. Award of grants.

“Sec. 1805. Reports.

“Sec. 1806. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
18 1001(a) of title I of the Omnibus Crime Control and Safe
19 Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by
20 section 112(c), is amended—

1 (1) in paragraph (3) by striking “and Q” and
2 inserting “Q and R”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(13) There are authorized to be appropriated
6 \$70,000,000 for each of the fiscal years 1994 through
7 1998.”.

8 **SEC. 306. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING**
9 **OBJECTIVE.**

10 Section 501(b) of title I of the Omnibus Crime Con-
11 trol and Safe Streets Act of 1968 (42 U.S.C. 3751) is
12 amended—

13 (1) in paragraph (20) by striking “and” at the
14 end;

15 (2) in paragraph (21) by striking the period
16 and inserting “; and”; and

17 (3) by inserting after paragraph (21) the fol-
18 lowing new paragraph:

19 “(22) law enforcement and prevention programs
20 relating to gangs, or to youth who are involved or
21 at risk of involvement in gangs.”.

22 **SEC. 307. INCREASED PENALTIES FOR DRUG TRAFFICKING**
23 **NEAR PUBLIC HOUSING.**

24 Section 419 of the Controlled Substances Act (21
25 U.S.C. 860) is amended—

1 (1) in subsection (a) by striking “playground,
 2 or within” and inserting “playground, or housing fa-
 3 cility owned by a public housing authority, or with-
 4 in”; and

5 (2) in subsection (b) by striking “playground,
 6 or within” and inserting “playground, or housing fa-
 7 cility owned by a public housing authority, or with-
 8 in”.

9 **Subtitle B—Crimes Against** 10 **Children**

11 **SEC. 311. DEATH PENALTY FOR MURDER DURING THE SEX-** 12 **UAL EXPLOITATION OF CHILDREN.**

13 Section 2251(d) of title 18, United States Code, is
 14 amended by adding at the end the following: “Whoever,
 15 in the course of an offense under this section, engages in
 16 conduct that results in the death of a person, shall be pun-
 17 ished by death or imprisoned for any term of years or for
 18 life.”.

19 **SEC. 312. INCREASED PENALTIES FOR SEX OFFENSES** 20 **AGAINST VICTIMS BELOW THE AGE OF 16.**

21 Paragraph (2) of section 2247 of title 18, United
 22 States Code, as so redesignated by section 403(a) is
 23 amended—

24 (1) in subparagraph (B) by striking “or” after
 25 the semicolon;

1 (2) in subparagraph (C) by striking “; and”
2 and inserting “; or”; and

3 (3) by inserting a new subparagraph (D) as fol-
4 lows:

5 “(D) the intentional touching, not through the
6 clothing, of the genitalia of another person who has
7 not attained the age of 16 years with an intent to
8 abuse, humiliate, harass, degrade, or arouse or grat-
9 ify the sexual desire of any person;”.

10 **SEC. 313. PENALTIES FOR INTERNATIONAL TRAFFICKING**
11 **IN CHILD PORNOGRAPHY.**

12 (a) IMPORT RELATED OFFENSE.—Chapter 110 of
13 title 18, United States Code, is amended by adding at the
14 end the following:

15 **“§ 2258. Production of sexually explicit depictions of**
16 **a minor for importation into the United**
17 **States**

18 “(a) Any person who, outside the United States, em-
19 ploys, uses, persuades, induces, entices, or coerces any
20 minor to engage in, or who has a minor assist any other
21 person to engage in, or who transports any minor with
22 the intent that such minor engage in any sexually explicit
23 conduct for the purpose of producing any visual depiction
24 of such conduct, shall be punished as provided under sub-
25 section (c), if such person intends, knows, or has reason

1 to know that such visual depiction will be imported into
2 the United States or into waters within a distance of 12
3 miles of the coast of the United States.

4 “(b) Whoever, outside the United States, knowingly
5 receives, transports, ships, distributes, sells, or possesses
6 with intent to transport, ship, sell, or distribute any visual
7 depiction of a minor engaging in sexually explicit conduct
8 if the production of such visual depiction involved the use
9 of a minor engaging in sexually explicit conduct, shall be
10 published as provided under subsection (c), if such person
11 intends, knows, or has reason to know that such visual
12 depiction will be imported into the United States or into
13 waters within a distance of 12 miles of the coast of the
14 United States.

15 “(c) Any individual who violates this section, or con-
16 spires or attempts to do so, shall be fined under this title,
17 or imprisoned not more than 10 years, or both, but, if
18 such individual has a prior conviction under this chapter
19 or chapter 109A of this title, such individual shall be fined
20 according to the provisions of this title, or imprisoned not
21 less than five years nor more than 15 years, or both.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 110 of title 18, United States
24 Code, is amended by adding at the end the following:

“2258. Production of sexually explicit depictions of a minor for importation into
the United States.”.

1 (c) TECHNICAL AMENDMENT.—Section 2251(d) of
2 title 18, United States Code, is amended—

3 (1) by striking “not more than \$100,000” and
4 inserting “under this title”;

5 (2) by striking “not more than \$200,000” and
6 inserting “under this title”; and

7 (3) by striking “not more than \$250,000” and
8 inserting “under this title”.

9 (d) SECTION 2251 PENALTY ENHANCEMENT.—Sec-
10 tion 2251(d) of title 18, United States Code, is amended
11 by striking “this section” the second place it appears and
12 inserting “this chapter or chapter 109A of this title”.

13 (e) SECTION 2252 PENALTY ENHANCEMENT.—Sec-
14 tion 2252(b)(1) of title 18, United States Code, is amend-
15 ed by striking “this section” and inserting “this chapter
16 or chapter 109A of this title”.

17 (f) CONSPIRACY AND ATTEMPT.—Sections 2251(d)
18 and 2252(b) of title 18, United States Code, are each
19 amended by inserting “, or attempts or conspires to do
20 so,” after “violates” each place it appears.

21 (g) RICO AMENDMENT.—Section 1961(l) of title 18,
22 United States Code, is amended by striking “2251–2252”
23 and inserting “2251, 2252, or 2258”.

24 (h) TRANSPORTATION OF MINORS.—Section 2423 of
25 title 18, United States Code, is amended—

1 (1) by inserting “(a)” before “Whoever”; and

2 (2) by adding at the end the following:

3 “(b) Whoever travels in interstate or foreign com-
4 merce, or conspires to do so, for the purpose of engaging
5 in any sexual act (as the term ‘sexual act’ is defined in
6 section 2245 of this title) with a person under 18 years
7 of age which would be in violation of chapter 109A of this
8 title if such sexual act occurred in the special maritime
9 and territorial jurisdiction of the United States.”

10 **SEC. 314. INCREASED PENALTIES FOR ASSAULTS AGAINST**
11 **CHILDREN.**

12 (a) SIMPLE ASSAULT.—Section 113(e) of title 18,
13 United States Code, is amended by striking “by fine” and
14 all that follows through the period and inserting “—

15 “(A) if the victim of the assault is an individual
16 who has not attained the age of 16 years, by a fine
17 under this title or imprisonment for not more than
18 one year, or both; and

19 “(B) by a fine under this title or imprisonment
20 for not more than three months, or both, in any
21 other case.”.

22 (b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY
23 INJURY.—Section 113 of title 18, United States Code, is
24 amended by adding at the end the following:

1 “(7) Assault resulting in substantial bodily in-
2 jury to an individual who has not attained the age
3 of 16 years, by a fine under this title or imprison-
4 ment for not more than 5 years, or both.”.

5 (c) TECHNICAL AND STYLISTIC CHANGES TO SEC-
6 TION 113.—Section 113 of title 18, United States Code,
7 is amended—

8 (1) in paragraph (b), by striking “of not more
9 than \$3,000” and inserting “under this title”;

10 (2) in paragraph (c), by striking “of not more
11 than \$1,000” and inserting “under this title”;

12 (3) in paragraph (d), by striking “of not more
13 than \$500” and inserting “under this title”;

14 (4) in paragraph (e), by striking “of not more
15 than \$300” and inserting “under this title”;

16 (5) by modifying the left margin of each of
17 paragraphs (a) through (f) so that they are indented
18 2 ems;

19 (6) by redesignating paragraphs (a) through (f)
20 as paragraphs (1) through (6); and

21 (7) by inserting “(a)” before “Whoever”.

22 (d) DEFINITIONS.—Section 113 of title 18, United
23 States Code, is amended by adding at the end the
24 following:

25 “(b) As used in this subsection—

1 “(1) the term ‘substantial bodily injury’ means
2 bodily injury which involves—

3 “(A) a temporary but substantial disfigure-
4 ment; or

5 “(B) a temporary but substantial loss or
6 impairment of the function of any bodily mem-
7 ber, organ, or mental faculty; and

8 “(2) the term ‘serious bodily injury’ has the
9 meaning given that term in section 1365 of this
10 title.”.

11 (e) ASSAULTS IN INDIAN COUNTRY.—Section
12 1153(a) of title 18, United States Code, is amended by
13 inserting “(as defined in section 1365 of this title), an
14 assault against an individual who has not attained the age
15 of 16 years” after “serious bodily injury”.

16 **SEC. 315. INCREASED PENALTIES FOR DRUG DISTRIBUTION**
17 **TO PREGNANT WOMEN.**

18 The United States Sentencing Commission shall
19 amend the sentencing guidelines to increase by at least
20 4 levels the base offense level for an offense under section
21 2241 (relating to aggravated sexual abuse) or section
22 2242 (relating to sexual abuse) of title 18, United States
23 Code, and shall consider whether any other changes are
24 warranted in the guidelines provisions applicable to such
25 offenses to ensure realization of the objectives of sentenc-

1 ing. In amending the guidelines in conformity with this
2 section, the Sentencing Commission shall review the ap-
3 propriateness and adequacy of existing offense character-
4 istics and adjustments applicable to such offenses, taking
5 into account the heinousness of sexual abuse offenses, the
6 severity and duration of the harm caused to victims, and
7 any other relevant factors. In any subsequent amendment
8 to the sentencing guidelines, the Sentencing Commission
9 shall maintain minimum guidelines sentences for the of-
10 fenses referenced in this section which are at least equal
11 to those required by this section.

12 **SEC. 316. INTERSTATE ENFORCEMENT OF CHILD SUPPORT**
13 **ORDERS.**

14 (a) TITLE 28 AMENDMENT.—Chapter 115 of title 28,
15 United States Code, is amended by inserting after section
16 1738A the following new section:

17 **“§ 1738B. Full faith and credit given to child support**
18 **orders**

19 “(a) GENERAL RULE.—The appropriate authorities
20 of each State shall enforce according to its terms, and
21 shall not modify except as provided in subsection (e), any
22 child support order made consistently with the provisions
23 of this section by a court of another State.

24 “(b) DEFINITIONS.—As used in this section, the
25 term—

1 “(1) ‘child’ means any person under 18 years of
2 age, and includes an individual 18 or more years of
3 age for whom a child support order has been issued
4 pursuant to the laws of a State;

5 “(2) ‘child’s State’ means the State in which a
6 child currently resides;

7 “(3) ‘child support order’ means a judgment,
8 decree, or order of a court requiring the payment of
9 money, or the provision of a benefit, including health
10 insurance, whether in periodic amounts or lump
11 sum, for the support of a child and includes perma-
12 nent and temporary orders, initial orders and modi-
13 fications, ongoing support, and arrearages;

14 “(4) ‘child support’ means a payment of money
15 or provision of a benefit described in paragraph (3)
16 for the support of a child;

17 “(5) ‘contestant’ means a person, including a
18 parent, who claims a right to receive child support
19 or against whom a right to receive child support is
20 claimed or asserted, and includes States and political
21 subdivisions to whom the right to obtain a child sup-
22 port order has been assigned;

23 “(6) ‘court’ means a court, administrative proc-
24 ess, or quasi-judicial process of a State which is au-
25 thorized by State law to establish the amount of

1 child support payable by a contestant or modify the
2 amount of child support payable by a contestant;

3 “(7) ‘modification’ and ‘modify’ refer to a
4 change in a child support order which affects the
5 amount, scope, or duration of such order and modi-
6 fies, replaces, supersedes, or otherwise is made sub-
7 sequent to such child support order, whether or not
8 made by the same court as such child support order;
9 and

10 “(8) ‘State’ means a State of the United
11 States, the District of Columbia, the Commonwealth
12 of Puerto Rico, the territories and possessions of the
13 United States, and Indian country as defined in sec-
14 tion 1151 of title 18.

15 “(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—
16 A child support order made by a court of a State is con-
17 sistent with the provisions of this section only if—

18 “(1) such court, pursuant to the laws of the
19 State in which such court is located, had jurisdiction
20 to hear the matter and enter such an order and had
21 personal jurisdiction over the contestants; and

22 “(2) reasonable notice and opportunity to be
23 heard was given to the contestants.

24 “(d) CONTINUING JURISDICTION.—A court of a
25 State which has made a child support order consistently

1 with the provisions of this section has continuing, exclusive
2 jurisdiction of that order when such State is the child's
3 State or the residence of any contestant unless another
4 State, acting in accordance with subsection (e), has modi-
5 fied that order.

6 “(e) AUTHORITY TO MODIFY ORDERS.—A court of
7 a State may modify a child support order with respect to
8 a child that is made by a court of another State, if—

9 “(1) it has jurisdiction to make such a child
10 support order; and

11 “(2) the court of the other State no longer has
12 continuing, exclusive jurisdiction of the child support
13 order because such State no longer is the child's
14 State or the residence of any contestant, or each
15 contestant has filed written consent for the State to
16 modify the order and assume continuing, exclusive
17 jurisdiction of such order.

18 “(f) ENFORCEMENT OF PRIOR ORDERS.—A court of
19 a State which no longer has continuing, exclusive jurisdic-
20 tion of a child support order may enforce such order with
21 respect to unsatisfied obligations which accrued before the
22 date on which a modification of such order is made under
23 subsection (e).”.

24 (b) CONFORMING AMENDMENT.—The table of sec-
25 tions at the beginning of chapter 115 of title 28, United

1 States Code, is amended by inserting after the item relat-
2 ing to section 1738A the following:

“1738B. Full faith and credit given to child support orders.”.

3 **SEC. 317. INCREASED PENALTIES FOR USING MINORS IN**
4 **DRUG TRAFFICKING AND DRUG DISTRIBUTION TO MINORS.**
5

6 (a) DRUG DISTRIBUTION TO MINOR BY RECIDIVIST.—Section 418(b) of the Controlled Substances Act
7 (21 U.S.C. 859(b)) is amended by striking “one year” and
8 inserting “3 years”.

10 (b) USE OF MINOR IN TRAFFICKING BY RECIDIVIST.—Section 420(c) of the Controlled Substances Act
11 (21 U.S.C. 861(b)) is amended by striking “one year” and
12 inserting “3 years”.

14 (c) CONCURRENT VIOLATION OF PROHIBITION OF
15 USE OF MINORS AND TRAFFICKING NEAR SCHOOLS.—
16 Section 419(b) of the Controlled Substances Act (21
17 U.S.C. 860(b)) is amended by inserting “, or under cir-
18 cumstances involving a violation of section 420(a),” before
19 “is punishable”.

20 **SEC. 318. INCREASED PENALTIES FOR USING A MINOR IN**
21 **COMMISSION OF A FEDERAL OFFENSE.**

22 (a) IN GENERAL.—Chapter 1 of title 18, United
23 States Code, is amended by adding at the end the
24 following:

“§ 21. Use of children in Federal offenses

1 “(a) Except as otherwise provided by law, whoever,
2 being at least 18 years of age, uses a child to commit a
3 Federal offense, or to assist in avoiding detection or ap-
4 prehension for a Federal offense, shall—

5 “(1) after a previous conviction under this sub-
6 section has become final, be subject to 3 times the
7 maximum imprisonment and 3 times the maximum
8 fine otherwise provided for the Federal offense in
9 which the child is used; and

10 “(2) in any other case, be subject to 2 times the
11 maximum imprisonment and 2 times the maximum
12 fine for such offense.

13 “(b) As used in this section—

14 “(1) the term ‘child’ means a person who is
15 under 18 years of age; and

16 “(2) the term ‘uses’ means employs, hires, uses,
17 persuades, induces, entices, or coerces.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 1 of title 18, United States
20 Code, is amended by adding at the end the following new
21 item:

“21. Use of children in Federal offenses.”.

1 **SEC. 319. INTERNATIONAL PARENTAL KIDNAPPING.**

2 (a) IN GENERAL.—Chapter 55 (relating to kidnap-
3 ping) of title 18, United States Code, is amended by add-
4 ing at the end the following:

5 **“§ 1204. International parental kidnapping**

6 “(a) Whoever—

7 “(1) removes a child from the United States or
8 retains a child (who has been in the United States)
9 outside the United States—

10 “(A) in order to obstruct the lawful exer-
11 cise of parental rights that are established in a
12 court order;

13 “(B) in order to obstruct the lawful exer-
14 cise of parental rights by the mother of that
15 child, in the case of a child—

16 “(i) whose parents have not been mar-
17 ried;

18 “(ii) with regard to whom paternity
19 has not been judicially established; and

20 “(iii) whose custody has not been judi-
21 cially granted to a person other than the
22 mother; or

23 “(C) in order to obstruct the lawful exer-
24 cise of parental rights during the pendency of
25 judicial proceedings to determine parental
26 rights; or

1 “(2) in any other circumstances removes a child
 2 from the United States or retains a child (who has
 3 been in the United States) outside the United
 4 States, in order to obstruct the lawful exercise of pa-
 5 rental rights;

6 shall be fined under this title or imprisoned not more than
 7 3 years, or both.

8 “(b) As used in this section—

9 “(1) the term ‘child’ means a person who has
 10 not attained the age of 16 years; and

11 “(2) the term ‘parental rights’, with respect to
 12 a child, means the right to physical custody of the
 13 child—

14 “(A) whether joint or sole (and includes
 15 visiting rights); and

16 “(B) whether arising by operation of law,
 17 court order, or agreement of the parties.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of chapter 55 of title 18, United States
 20 Code, is amended by adding at the end the following:

“1204. International parental kidnapping.”.

21 **SEC. 320. STATE COURT PROGRAMS REGARDING INTER-**
 22 **NATIONAL PARENTAL CHILD ABDUCTION.**

23 There is authorized to be appropriated \$250,000 to
 24 carry out under the State Justice Institute Act of 1984
 25 (42 U.S.C. 10701–10713) national, regional, and in-State

1 training and educational programs dealing with criminal
 2 and civil aspects of interstate and international parental
 3 child abduction.

4 **SEC. 321. KIDNAPPING.**

5 Section 1201(g)(1) of title 18, United States Code,
 6 is amended by inserting “to the penalty of death if the
 7 death of the victim results and, in any other case,” after
 8 “shall be subject”.

9 **Subtitle C—Punishment of Serious**
 10 **Juvenile Offenders**

11 **SEC. 331. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
 12 **CAREER CRIMINAL ACT PREDICATES.**

13 Section 924(e)(2)(A) of title 18, United States Code,
 14 is amended—

- 15 (1) by striking “or” at the end of clause (i);
- 16 (2) by adding “or” at the end of clause (ii); and
- 17 (3) by adding at the end the following:
 18 “(iii) any act of juvenile delinquency
 19 that if committed by an adult would be an
 20 offense described in this subparagraph;”.

21 **SEC. 332. AMENDMENTS CONCERNING RECORDS OF**
 22 **CRIMES COMMITTED BY JUVENILES.**

23 (a) IN GENERAL.—Section 5038 of title 18, United
 24 States Code, is amended by striking subsections (d) and

1 (f), redesignating subsection (e) as subsection (d), and by
2 adding at the end new subsections (e) and (f) as follows:

3 “(e) Whenever a juvenile has been found guilty of
4 committing an act which if committed by an adult would
5 be an offense described in clause (3) of the first paragraph
6 of section 5032 of this title, the juvenile shall be
7 fingerprinted and photographed, and the fingerprints and
8 photograph shall be sent to the Federal Bureau of Inves-
9 tigation, Identification Division. The court shall also
10 transmit to the Federal Bureau of Investigation, Identi-
11 fication Division, the information concerning the adjudica-
12 tion, including name, date of adjudication, court, offenses,
13 and sentence, along with the notation that the matter was
14 a juvenile adjudication. The fingerprints, photograph, and
15 other records and information relating to a juvenile de-
16 scribed in this subsection, or to a juvenile who is pros-
17 ecuted as an adult, shall be made available in the manner
18 applicable to adult defendants.

19 “(f) In addition to any other authorization under this
20 section for the reporting, retention, disclosure, or avail-
21 ability of records or information, if the law of the State
22 in which a Federal juvenile delinquency proceeding takes
23 place permits or requires the reporting, retention, disclo-
24 sure, or availability of records or information relating to
25 a juvenile or to a juvenile delinquency proceeding or adju-

1 dication in certain circumstances, then such reporting, re-
2 tention, disclosure, or availability is permitted under this
3 section whenever the same circumstances exist.”.

4 (b) REPEAL.—Section 3607 of title 18, United States
5 Code, is repealed, and the corresponding item in the chap-
6 ter analysis for chapter 229 of title 18 is deleted.

7 (c) CONFORMING AMENDMENT.—Section 401(b)(4)
8 of the Controlled Substances Act (21 U.S.C. 841(b)(4))
9 is amended by striking “and section 3607 of title 18”.

10 **SEC. 333. PROSECUTION AS ADULTS OF VIOLENT JUVENILE**
11 **OFFENDERS.**

12 Section 5032 of title 18, United States Code, is
13 amended by adding at the end the following new para-
14 graph:

15 “Notwithstanding any other provision of this section
16 or any other law, a juvenile who was 13 years old or older
17 on the date of the commission of an offense under section
18 113 (a), (b), or (c), 1111, 1113, 2111 or 2113 (if the
19 juvenile was in possession of a firearm during the offense),
20 or 2241 (a) or (c) (if the juvenile was in possession of
21 a firearm during the offense) of this title shall be pros-
22 ecuted as an adult in Federal court. No juvenile pros-
23 ecuted as an adult under this paragraph shall be incarcer-
24 ated in an adult prison. If a juvenile prosecuted under this
25 paragraph is convicted, the juvenile shall be entitled to file

1 a petition for resentencing pursuant to applicable sentenc-
 2 ing guidelines when he or she reaches the age of 16. The
 3 United States Sentencing Commission shall promulgate
 4 guidelines or amend existing guidelines, if necessary, to
 5 carry out the purposes of this paragraph. For resentencing
 6 determinations pursuant to subsection (b), the Commis-
 7 sion may promulgate guidelines, if necessary, to permit
 8 sentencing adjustments which may include adjustments
 9 which provide for supervised releases, for defendants who
 10 have clearly demonstrated an exceptional degree of respon-
 11 sibility for the offense and a willingness and ability to re-
 12 frain from future criminal conduct.”.

13 **TITLE IV—PROTECTION OF** 14 **WOMEN**

15 **Subtitle A—Spouse Abuse and** 16 **Stalking**

17 **SEC. 401. INTERSTATE TRAVEL TO COMMIT SPOUSE ABUSE** 18 **OR TO VIOLATE PROTECTIVE ORDER; INTER-** 19 **STATE STALKING.**

20 (a) OFFENSE.—Part 1 of title 18, United States
 21 Code, is amended by inserting after chapter 110 the
 22 following:

23 **“CHAPTER 110A—DOMESTIC VIOLENCE AND** 24 **OFFENSES AGAINST THE FAMILY**

“Sec.
 “2261. Domestic violence and stalking.

1 **“§ 2261. Domestic violence and stalking**

2 “(a) OFFENSE.—Whoever, in a circumstance de-
3 scribed in subsection (c), causes or attempts to cause bod-
4 ily injury to, engages in sexual abuse against, or violates
5 a protective order in relation to, another shall be pun-
6 ished—

7 “(1) if death results, by death or by imprison-
8 ment for any term of years or for life;

9 “(2) if permanent disfigurement or life-threat-
10 ening bodily injury results, by imprisonment for not
11 more than 20 years;

12 “(3) if serious bodily injury results, or if a fire-
13 arm, knife, or other dangerous weapon is possessed,
14 carried, or used during the commission of the of-
15 fense, by imprisonment for not more than 10 years;
16 and

17 “(4) in any other case, by imprisonment for not
18 more than five years.

19 If, however, the defendant engages in sexual abuse and
20 the penalty authorized for such conduct under chapter
21 109A exceeds the penalty which would otherwise be au-
22 thorized under this subsection, then the penalty authorized
23 for such conduct under chapter 109A shall apply.

24 “(b) MANDATORY PENALTIES.—A sentence under
25 this section shall include at least 3 months of imprison-
26 ment if the offense involves the infliction of bodily injury

1 on or the commission of sexual abuse against the victim.
2 A sentence under this section shall include at least 6
3 months of imprisonment if the offense involves the viola-
4 tion of a protective order and the defendant has previously
5 violated a protective order in relation to the same victim.

6 “(c) REQUIRED CIRCUMSTANCES.—The circumstance
7 referred to in subsection (a) of this section is that the de-
8 fendant traveled in interstate or foreign commerce, or
9 transported or caused another to move in interstate or for-
10 eign commerce, with the intention of committing or in fur-
11 therance of committing the offense, and—

12 “(1) the victim was a spouse or former spouse
13 of the defendant, was cohabiting with or had
14 cohabited with the defendant, or had a child in com-
15 mon with the defendant; or

16 “(2) the defendant on two or more occasions—

17 “(A) has caused or attempted or threat-
18 ened to cause death or serious bodily injury to
19 or engaged in sexual abuse in relation to the
20 victim; or

21 “(B) has engaged in any conduct that
22 caused or was intended to cause apprehension
23 by the victim that the victim would be subjected
24 to death, serious bodily injury, or sexual abuse.

25 “(d) DEFINITIONS.—As used in this section—

1 “(1) the term ‘protective order’ means an order
 2 issued by a court of a State prohibiting or limiting
 3 violence against, harassment of, contact or commu-
 4 nication with, or physical proximity to another per-
 5 son;

6 “(2) the term ‘sexual abuse’ means any conduct
 7 proscribed by chapter 109A of this title, whether or
 8 not the conduct occurs in the special maritime and
 9 territorial jurisdiction of the United States or in a
 10 Federal prison;

11 “(3) the terms ‘serious bodily injury’ and ‘bod-
 12 ily injury’ have the meanings, respectively, given
 13 those terms in section 1365(g) of this title; and

14 “(4) the term ‘State’ has the meaning given
 15 that term in section 513(c)(5) of this title.”.

16 (b) CLERICAL AMENDMENT.—The table of chapters
 17 at the beginning of Part 1 of title 18, United States Code,
 18 is amended by inserting after the item for chapter 110
 19 the following:

“110A. Domestic violence and offenses against the family 2261”.

20 **SEC. 402. FULL FAITH AND CREDIT FOR PROTECTIVE OR-**
 21 **DERS.**

22 (a) REQUIREMENT OF FULL FAITH AND CREDIT.—
 23 Chapter 110A of title 18, United States Code, as enacted
 24 by section 141 of this Act, is amended by adding at the
 25 end the following:

1 **“§ 2262. Full faith and credit for protective orders**

2 “(a) A protective order issued by a court of a State
3 shall have the same full faith and credit in a court in an-
4 other State that it would have in a court of the State in
5 which issued, and shall be enforced by the courts of any
6 State as if it were issued in that State.

7 “(b) As used in this section—

8 “(1) the term ‘protective order’ means an order
9 prohibiting or limiting violence against, harassment
10 of, contact or communication with, or physical prox-
11 imity to another person; and

12 “(2) the term ‘State’ has the meaning given in
13 section 513(c)(5) of this title.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 110A of title 18, United States
16 Code, as enacted by section 141 of this Act, is amended
17 by inserting at the end the following:

“2262. Full faith and credit for protective orders.”.

18 **Subtitle B—Sex Offenses and**
19 **Punishment**

20 **SEC. 411. CIVIL REMEDY FOR VICTIMS OF SEXUAL VIO-**
21 **LENCE.**

22 (a) CAUSE OF ACTION.—Whoever, in violation of the
23 Constitution or laws of the United States, engages in sex-
24 ual violence against another, shall be liable to the injured
25 party in an action under this section. The relief available

1 in such an action shall include compensatory and punitive
2 damages and any appropriate equitable or declaratory
3 relief.

4 (b) DEFINITION.—For purposes of this section, “sex-
5 ual violence” means any conduct proscribed by chapter
6 109A of title 18, United States Code, whether or not the
7 conduct occurs in the special maritime and territorial ju-
8 risdiction of the United States or in a Federal prison.

9 (c) ATTORNEY’S FEES.—The Civil Rights Attorney’s
10 Fees Award Act of 1976 (42 U.S.C. 1988) is amended
11 by striking “or” after “Public Law 92–318” and by in-
12 serting after “1964” the following: “, or section 411 of
13 the Sexual Assault Prevention Act of 1993,”.

14 **SEC. 412. EXTENSION AND STRENGTHENING OF RESTITU-**
15 **TION.**

16 Section 3663 of title 18, United States Code, is
17 amended—

18 (1) in subsection (b), by inserting “or an of-
19 fense under chapter 109A, chapter 110, or section
20 2261 of this title” after “an offense resulting in bod-
21 ily injury to a victim” in paragraph (2);

22 (2) in subsection (b)—

23 (A) by striking “and” at the end of para-
24 graph (3);

1 (B) by redesignating paragraph (4) as
2 paragraph (5); and

3 (C) by inserting after paragraph (4) the
4 following:

5 “(4) in any case, reimburse the victim for lost
6 income and necessary child care, transportation, and
7 other expenses related to participation in the inves-
8 tigation or prosecution of the offense or attendance
9 at proceedings related to the offense; and”; and

10 (3) in subsection (d), by inserting at the end
11 the following: “However, the court shall issue an
12 order requiring restitution of the full amount of the
13 victim’s losses and expenses for which restitution is
14 authorized under this section in imposing sentence
15 for an offense under chapter 109A, chapter 110 or
16 section 2261 of this title, unless the Government
17 and the victim do not request such restitution.”.

18 **SEC. 413. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

19 Section 3156(a)(4) of title 18, United States Code,
20 is amended—

21 (1) by striking “, or” at the end of subpara-
22 graph (A) and inserting a semicolon;

23 (2) by striking the period at the end of sub-
24 paragraph (B) and inserting “; or”; and

1 (3) by adding after subparagraph (B) the
2 following:

3 “(C) any felony under chapter 109A, chapter
4 110, or section 2261 of this title.”.

5 **SEC. 414. MANDATORY LIFE IMPRISONMENT FOR FORC-**
6 **IBLE RAPE.**

7 Section 2241(a) of title 18, United States Code, is
8 amended by striking “fined under this title” and all that
9 follows through “or both.” and inserting “imprisoned for
10 life and may be fined under this title.”.

11 **SEC. 415. DEATH PENALTY FOR RAPE AND CHILD MOLES-**
12 **TATION MURDERS.**

13 (a) OFFENSE.—Chapter 109A of title 18, United
14 States Code, is amended by redesignating section 2245 as
15 section 2246, and by adding the following new section:

16 **“§ 2245. Sexual abuse resulting in death**

17 “Whoever, in the course of an offense under this
18 chapter, engages in conduct that results in the death of
19 a person, shall be punished by death or imprisoned for
20 any term of years or for life.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 109A of title 18, United States
23 Code, is amended by striking the item for section 2245
24 and adding the following:

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”.

1 **SEC. 416. INCREASED PENALTIES FOR RECIDIVIST SEX OF-**
2 **FENDERS.**

3 (a) REDESIGNATION.—Sections 2245 and 2246 of
4 title 18, United States Code, as so designated by section
5 137, are redesignated sections 2246 and 2247, respec-
6 tively.

7 (b) PENALTIES FOR SUBSEQUENT OFFENSES.—
8 Chapter 109A of title 18, United States Code, is amended
9 by inserting the following new section after section 2244:
10 **“§ 2245. Penalties for subsequent offenses**

11 “Any person who violates this chapter, after a prior
12 conviction under this chapter or the law of a State (as
13 defined in section 513 of this title) for conduct proscribed
14 by this chapter has become final, is punishable by a term
15 of imprisonment up to twice that otherwise authorized.”.

16 (c) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 109A of title 18, United States
18 Code, as amended by section 137, is amended—

19 (1) by striking “2245” and inserting “2246”;

20 (2) by striking “2246” and inserting “2247”;

21 and

22 (3) by inserting after the item relating to sec-
23 tion 2244 the following:

“2245. Penalties for subsequent offenses.”.

1 **SEC. 417. SENTENCING GUIDELINES INCREASE FOR SEX OF-**
2 **FENSES.**

3 The United States Sentencing Commission shall
4 amend the sentencing guidelines to increase by at least
5 4 levels the base offense level for an offense under section
6 2241 (relating to aggravated sexual abuse) or section
7 2242 (relating to sexual abuse) of title 18, United States
8 Code, and shall consider whether any other changes are
9 warranted in the guidelines provisions applicable to such
10 offenses to ensure realization of the objectives of sentenc-
11 ing. In amending the guidelines in conformity with this
12 section, the Sentencing Commission shall review the ap-
13 propriateness and adequacy of existing offense character-
14 istics and adjustments applicable to such offenses, taking
15 into account the heinousness of sexual abuse offenses, the
16 severity and duration of the harm caused to victims, and
17 any other relevant factors. In any subsequent amendment
18 to the sentencing guidelines, the Sentencing Commission
19 shall maintain minimum guidelines sentences for the of-
20 fenses referenced in this section which are at least equal
21 to those required by this section.

22 **SEC. 418. HIV TESTING AND PENALTY ENHANCEMENT IN**
23 **SEXUAL OFFENSE CASES.**

24 (a) IN GENERAL.—Chapter 109A of title 18, United
25 States Code, is amended by adding at the end the follow-
26 ing:

1 **“§ 2248. Testing for human immunodeficiency virus;**
2 **disclosure of test results to victim; effect**
3 **on penalty**

4 “(a) TESTING AT TIME OF PRE-TRIAL RELEASE DE-
5 TERMINATION.—In a case in which a person is charged
6 with an offense under this chapter, a judicial officer issu-
7 ing an order pursuant to section 3142(a) of this title shall
8 include in the order a requirement that a test for the
9 human immunodeficiency virus be performed upon the
10 person, and that follow-up tests for the virus be performed
11 six months and twelve months following the date of the
12 initial test, unless the judicial officer determines that the
13 conduct of the person created no risk of transmission of
14 the virus to the victim, and so states in the order. The
15 order shall direct that the initial test be performed within
16 24 hours, or as soon thereafter as feasible. The person
17 shall not be released from custody until the test is per-
18 formed.

19 “(b) TESTING AT LATER TIME.—If a person charged
20 with an offense under this chapter was not tested for the
21 human immunodeficiency virus pursuant to subsection (a),
22 the court may at a later time direct that such a test be
23 performed upon the person, and that follow-up tests be
24 performed six months and twelve months following the
25 date of the initial test, if it appears to the court that the
26 conduct of the person may have risked transmission of the

1 virus to the victim. A testing requirement under this sub-
2 section may be imposed at any time while the charge is
3 pending, or following conviction at any time prior to the
4 person's completion of service of the sentence.

5 “(c) TERMINATION OF TESTING REQUIREMENT.—A
6 requirement of follow-up testing imposed under this sec-
7 tion shall be canceled if any test is positive for the virus
8 or the person obtains an acquittal on, or dismissal of, all
9 charges under this chapter.

10 “(d) DISCLOSURE OF TEST RESULTS.—The results
11 of any test for the human immunodeficiency virus per-
12 formed pursuant to an order under this section shall be
13 provided to the judicial officer or court. The judicial offi-
14 cer or court shall ensure that the results are disclosed to
15 the victim (or to the victim's parent or legal guardian, as
16 appropriate), the attorney for the Government, and the
17 person tested.

18 “(e) EFFECT ON PENALTY.—The United States Sen-
19 tencing Commission shall amend existing guidelines for
20 sentences for offenses under this chapter to enhance the
21 sentence if the offender knew or had reason to know that
22 he was infected with the human immunodeficiency virus,
23 except where the offender did not engage or attempt to
24 engage in conduct creating a risk of transmission of the
25 virus to the victim.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters
 2 at the beginning of chapter 109A of title 18, United States
 3 Code, is amended by inserting at the end the following
 4 new item:

“2248. Testing for human immunodeficiency virus; disclosure of test results to
 victim; effect on penalty.”.

5 **TITLE V—PREVENTION OF**
 6 **TERRORISM**
 7 **Subtitle A—Enhanced Controls on**
 8 **Entry into the United States**

9 **SEC. 501. EXCLUSION BASED ON MEMBERSHIP IN TERROR-**
 10 **IST ORGANIZATION OF ADVOCACY OF TER-**
 11 **RORISM.**

12 Section 212(a)(3)(B) of the Immigration and Nation-
 13 ality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

14 (1) in clause (i)(II) by inserting “or” at the
 15 end;

16 (2) by adding after clause (i)(II) the following:

17 “(III) is a member of an organization
 18 that engages in terrorist activity or who
 19 actively supports or advocates terrorist
 20 activity,”;

21 (3) by adding after clause (iii) the following:

22 “(iv) **TERRORIST ORGANIZATION DE-**
 23 **FINED.**—As used in this Act, the term ‘terrorist
 24 organization’ means an organization which com-

1 mits terrorist activity as determined by the At-
2 torney General, in consultation with the Sec-
3 retary of State.”.

4 **SEC. 502. ADMISSIONS FRAUD.**

5 (a) EXCLUSION FOR FRAUDULENT DOCUMENTS AND
6 FAILURE TO PRESENT DOCUMENTS.—Section
7 212(a)(6)(C) of the Immigration and Nationality Act (8
8 U.S.C. 1182(a)(6)(C)) is amended—

9 (1) by striking “(C) MISREPRESENTATION” and
10 inserting in lieu thereof the following:

11 “(C) FRAUD, MISREPRESENTATION, AND
12 FAILURE TO PRESENT DOCUMENTS”;

13 (2) by adding at the end the following new
14 clause:

15 “(iii) FRAUDULENT DOCUMENTS AND
16 FAILURE TO PRESENT DOCUMENTS.—

17 “(I) Any alien who, in seeking
18 entry to the United States or board-
19 ing a common carrier for the purpose
20 of coming to the United States, pre-
21 sents any document which, in the de-
22 termination of the immigration offi-
23 cer, is forged, counterfeit, altered,
24 falsely made, stolen, or inapplicable to
25 the alien presenting the document, or

1 otherwise contains a misrepresenta-
2 tion of a material fact, is excludable.

3 “(II) Any alien who, in boarding
4 a common carrier for the purpose of
5 coming to the United States, presents
6 a document that relates or purports to
7 relate to the alien’s eligibility to enter
8 the United States, and fails to present
9 such document to an immigration offi-
10 cer upon arrival at a port of entry
11 into the United States, is exclud-
12 able.”.

13 (b) AVAILABILITY OF ASYLUM AND OTHER DISCRE-
14 TIONARY RELIEF.—

15 (1) Section 208 of the Immigration and Nation-
16 ality Act (8 U.S.C. 1158) is amended by adding at
17 the end the following new subsection:

18 “(e)(1) APPLICATION OF FRAUD EXCLUSION.—Not-
19 withstanding subsection (a) and except as provided in
20 paragraph (2), any alien who is excludable under section
21 212(a)(6)(C)(iii) or section 212(a)(7)(A)(i) may not apply
22 for or be granted asylum.

23 “(2) EXCEPTION.—The limitation under paragraph
24 (1) shall not apply if the action upon which the exclusion
25 is based was pursuant to direct departure from a country

1 in which (A) the alien has a credible fear of persecution,
2 or (B) there is a significant danger that the alien would
3 be returned to a country in which the alien would have
4 a credible fear of persecution.

5 “(3) DEFINITION.—As used in this subsection, the
6 term ‘credible fear of persecution’ means (A) that it is
7 more probable than not that the statements made by the
8 alien in support of his or her claim are true, and (B) that
9 there is a significant possibility, in light of such state-
10 ments and of such other facts as are known to the officer
11 about country conditions, that the alien could establish eli-
12 gibility as a refugee within the meaning of section
13 101(a)(42)(A).”.

14 (2) Section 212(c) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1182(c)) is amended in the
16 third sentence by inserting before the period “or to
17 any alien who is excludable pursuant to section
18 212(a)(6)(C)(iii)”.

19 **SEC. 503. INSPECTION AND EXCLUSION BY IMMIGRATION**
20 **OFFICERS.**

21 Section 235(b) of the Immigration and Nationality
22 Act (8 U.S.C. 1225(b)) is amended to read as follows:

23 “(b) INSPECTION AND EXCLUSION BY IMMIGRATION
24 OFFICERS.—

1 “(1) An immigration officer shall inspect each
2 alien who is seeking entry to the United States.

3 “(2)(A) If the examining immigration officer
4 determines that an alien seeking entry—

5 “(i)(I) is excludable under section
6 212(a)(6)(C)(iii), or

7 “(II) is excludable under section
8 212(a)(7)(A)(i),

9 “(ii) does not have any reasonable basis for
10 legal entry into the United States, and

11 “(iii) does not indicate an intention to
12 apply for asylum under section 208,

13 the alien shall be specially excluded from entry into
14 the United States without a hearing.

15 “(B) The examining immigration officer shall
16 refer to an immigration officer, specially trained to
17 conduct interviews and make determinations bearing
18 on eligibility for asylum, any alien who is (i) exclud-
19 able under section 212(a)(6)(C)(iii) or section
20 212(a)(7)(A) (i) and (ii) who has indicated an inten-
21 tion to apply for asylum. Such an alien shall not be
22 considered to have entered the United States for
23 purposes of this Act.

24 “(C) An alien under subparagraph (B) who is
25 determined by an immigration officer, specially

1 trained to conduct interviews and make determina-
2 tions bearing on eligibility for asylum, to be exclud-
3 able and ineligible for the exception under section
4 208(e)(2), shall be specially excluded and deported
5 from the United States without further hearing.

6 “(3)(A) Except as provided in subparagraph
7 (B), if the examining immigration officer determines
8 that an alien seeking entry is not clearly and beyond
9 a doubt entitled to enter, the alien shall be detained
10 for a hearing before an immigration judge.

11 “(B) The provisions of subparagraph (A) shall
12 not apply—

13 “(i) to an alien crewman,

14 “(ii) to an alien described in paragraph
15 (2)(A) or (2)(C), or

16 “(iii) if the conditions described in section
17 273(d) exist.

18 “(4) The decision of the examining immigration
19 officer, if favorable to the admission of any alien,
20 shall be subject to challenge by any other immigra-
21 tion officer and such challenge shall operate to take
22 the alien, whose privilege to enter is so challenged,
23 before an immigration judge for a hearing on exclu-
24 sion of the alien.

1 “(5) The Attorney General shall establish pro-
2 cedures that ensure that aliens are not specially ex-
3 cluded under paragraph (2)(A) without an inquiry
4 into their reasons for seeking entry into the United
5 States.

6 “(6)(A) Subject to subparagraph (B), an alien
7 has not entered the United States for purposes of
8 this Act unless and until such alien has been in-
9 spected and admitted by an immigration officer pur-
10 suant to this subsection.

11 “(B) An alien who (i) is physically present in
12 the United States, (ii) has been physically present in
13 the United States for a continuous period of one
14 year, and (iii) has not been inspected and admitted
15 by an immigration officer may be said to have en-
16 tered the United States without inspection. Such an
17 alien is subject to deportation pursuant to section
18 241(a)(1)(B).”.

19 **SEC. 504. JUDICIAL REVIEW.**

20 Section 235 of the Immigration and Nationality Act
21 (8 U.S.C. 1225) as amended by section 732 is amended
22 by adding after subsection (c) the following new sub-
23 sections:

24 “(d) **HABEAS CORPUS REVIEW.**—Notwithstanding
25 any other provision of law, no court shall have jurisdiction

1 to review, except by petition for habeas corpus, any deter-
2 mination made with respect to an alien found excludable
3 pursuant to section 212(a)(6)(C)(iii) or section
4 212(a)(7)(A)(i). In any such case, review by habeas corpus
5 shall be limited to examination of whether the petitioner
6 (1) is an alien, and (2) was ordered excluded from the
7 United States pursuant to section 235(b)(2).

8 “(e) OTHER LIMITS ON JUDICIAL REVIEW AND AC-
9 TION.—Notwithstanding any other provision of law, no
10 court shall have jurisdiction (1) to review the procedures
11 established by the Attorney General for the determination
12 of exclusion pursuant to section 212(a)(6)(C)(iii) or sec-
13 tion 212(a)(7)(A)(i), or (2) to enter declaratory or injunc-
14 tive relief with respect to the implementation of subsection
15 (b)(2). Regardless of the nature of the suit or claim, no
16 court shall have jurisdiction except by habeas corpus peti-
17 tion as provided in subsection (d) to consider the validity
18 of any adjudication or determination of special exclusion
19 or to provide declaratory or injunctive relief with respect
20 to the special exclusion of any alien.

21 “(f) COLLATERAL ENFORCEMENT PROCEEDINGS.—
22 In any action brought for the assessment of penalties for
23 improper entry or re-entry of an alien under section 275
24 or 276, no court shall have jurisdiction to hear claims col-
25 laterally attacking the validity of orders of exclusion, spe-

1 cial exclusion, or deportation entered under sections 235,
2 236, and 242.”.

3 **SEC. 505. CONFORMING AMENDMENTS.**

4 Section 237(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1227(a)) is amended—

6 (1) in the second sentence of paragraph (1) by
7 striking out “Deportation” and inserting in lieu
8 thereof “Subject to section 235(b)(2), deportation”;
9 and

10 (2) in the first sentence of paragraph (2) by
11 striking out “If” and inserting in lieu thereof “Sub-
12 ject to section 235(b)(2), if”.

13 **SEC. 506. EFFECTIVE DATE.**

14 Except as otherwise provided, the amendments made
15 by this subtitle shall take effect on the date of the enact-
16 ment of this Act and shall apply to aliens who arrive in
17 or seek admission to the United States on or after such
18 date.

19 **Subtitle B—Deportation of Alien**
20 **Terrorists**

21 **SEC. 511. REMOVAL OF ALIEN TERRORISTS.**

22 The Immigration and Nationality Act (8 U.S.C. 1101
23 et seq.) is amended by inserting the following new section:

24 “REMOVAL OF ALIEN TERRORISTS

25 “SEC. 242C. (a) DEFINITIONS.—As used in this sec-
26 tion—

1 “(1) the term ‘alien terrorist’ means any alien
2 described in section 241(a)(4)(B);

3 “(2) the term ‘classified information’ has the
4 same meaning as defined in section 1(a) of the Clas-
5 sified Information Procedures Act (18 U.S.C. App.
6 IV);

7 “(3) the term ‘national security’ has the same
8 meaning as defined in section 1(b) of the Classified
9 Information Procedures Act (18 U.S.C. App. IV);

10 “(4) the term ‘special court’ means the court
11 described in subsection (c) of this section; and

12 “(5) the term ‘special removal hearing’ means
13 the hearing described in subsection (e) of this sec-
14 tion.

15 “(b) APPLICATION FOR USE OF PROCEDURES.—The
16 provisions of this section shall apply whenever the Attor-
17 ney General certifies under seal to the special court that—

18 “(1) the Attorney General or Deputy Attorney
19 General has approved of the proceeding under this
20 section;

21 “(2) an alien terrorist is physically present in
22 the United States; and

23 “(3) removal of such alien terrorist by deporta-
24 tion proceedings described in sections 242, 242A, or
25 242B would pose a risk to the national security of

1 the United States because such proceedings would
2 disclose classified information.

3 “(c) SPECIAL COURT.—(1) The Chief Justice of the
4 United States shall publicly designate up to 7 judges from
5 up to 7 United States judicial districts to hear and decide
6 cases arising under this section, in a manner consistent
7 with the designation of judges described in section 103(a)
8 of the Foreign Intelligence Surveillance Act (50 U.S.C.
9 1803(a)).

10 “(2) The Chief Justice may, in his discretion, des-
11 ignate the same judges under this section as are des-
12 ignated pursuant to 50 U.S.C. 1803(a).

13 “(d) INVOCATION OF SPECIAL COURT PROCE-
14 DURE.—(1) When the Attorney General makes the appli-
15 cation described in subsection (b), a single judge of the
16 special court shall consider the application in camera and
17 ex parte.

18 “(2) The judge shall invoke the procedures of sub-
19 section (e), if the judge determines that there is probable
20 cause to believe that—

21 “(A) the alien who is the subject of the applica-
22 tion has been correctly identified,

23 “(B) a deportation proceeding described in sec-
24 tions 242, 242A, or 242B would pose a risk to the
25 national security of the United States because such

1 proceedings would disclose classified information,
2 and

3 “(C) the threat posed by the alien’s physical
4 presence is immediate and involves the risk of death
5 or serious bodily harm.

6 “(e) SPECIAL REMOVAL HEARING.—(1) Except as
7 provided in paragraph (4), the special removal hearing au-
8 thorized by a showing of probable cause described in sub-
9 section (d)(2) shall be open to the public.

10 “(2) The alien shall have a right to be present at such
11 hearing and to be represented by counsel. Any alien finan-
12 cially unable to obtain counsel shall be entitled to have
13 counsel assigned to represent such alien. Counsel may be
14 appointed as described in section 3006A of title 18, United
15 States Code.

16 “(3) The alien shall have a right to introduce evi-
17 dence on his own behalf, and except as provided in para-
18 graph (4), shall have a right to cross-examine any witness
19 or request that the judge issue a subpoena for the pres-
20 ence of a named witness.

21 “(4) The judge shall authorize the introduction in
22 camera and ex parte of any item of evidence for which
23 the judge determines that public disclosure would pose a
24 risk to the national security of the United States because
25 it would disclose classified information.

1 “(5) With respect to any evidence described in para-
2 graph (4), the judge shall cause to be delivered to the alien
3 either—

4 “(A)(i) the substitution for such evidence of a
5 statement admitting relevant facts that the specific
6 evidence would tend to prove, or (ii) the substitution
7 for such evidence of a summary of the specific evi-
8 dence; or

9 “(B) if disclosure of even the substituted evi-
10 dence described in subparagraph (A) would create a
11 substantial risk of death or serious bodily harm to
12 any person, a statement informing the alien that no
13 such summary is possible.

14 “(6) If the judge determines—

15 “(A) that the substituted evidence described in
16 paragraph (4)(B) will provide the alien with sub-
17 stantially the same ability to make his defense as
18 would disclosure of the specific evidence, or

19 “(B) that disclosure of even the substituted evi-
20 dence described in paragraph (5)(A) would create a
21 substantial risk of death or serious bodily harm to
22 any person,

23 then the determination of deportation (described in sub-
24 section (f)) may be made pursuant to this section.

1 “(f) DETERMINATION OF DEPORTATION.—(1) If the
2 determination in subsection (e)(6)(A) has been made, the
3 judge shall, considering the evidence on the record as a
4 whole, require that the alien be deported if the Attorney
5 General proves, by clear and convincing evidence, that the
6 alien is subject to deportation because he is an alien as
7 described in section 241(a)(4)(B).

8 “(2) If the determination in subsection (e)(6)(B) has
9 been made, the judge shall, considering the evidence re-
10 ceived (in camera and otherwise), require that the alien
11 be deported if the Attorney General proves, by clear, con-
12 vincing, and unequivocal evidence, that the alien is subject
13 to deportation because he is an alien as described in sec-
14 tion 241(a)(4)(B).

15 “(g) APPEALS.—(1) The alien may appeal a deter-
16 mination under subsection (f) to the court of appeals for
17 the Federal Circuit, by filing a notice of appeal with such
18 court within 20 days of the determination under such sub-
19 section.

20 “(2)(A) The Attorney General may appeal a deter-
21 mination under subsection (d), (e), or (f) to the court of
22 appeals for the Federal Circuit, by filing a notice of appeal
23 with such court within 20 days of the determination under
24 any one of such subsections.

1 “(B) When requested by the Attorney General, the
2 entire record of the proceeding under this section shall be
3 transmitted to the court of appeals under seal. If the At-
4 torney General is appealing a determination under sub-
5 section (d) or (e), the court of appeals shall consider such
6 appeal in camera and ex parte.”.

7 **Subtitle C—Penalties for Engaging**
8 **in Terrorism**

9 **SEC. 521. PROVIDING MATERIAL SUPPORT TO TERRORISM.**

10 (a) OFFENSE.—Chapter 113A of title 18, United
11 States Code, is amended by adding the following new sec-
12 tion:

13 **“§ 2339A. Providing material support to terrorists**

14 “Whoever, within the United States, provides mate-
15 rial support or resources or conceals or disguises the na-
16 ture, location, source, or ownership of material support or
17 resources, knowing or intending that they are to be used
18 to facilitate a violation of section 32, 36, 351, 844(f) or
19 (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281,
20 2331, or 2339 of this title, or section 902(i) of the Federal
21 Aviation Act of 1958, as amended (49 U.S.C. App.
22 1472(i)), or to facilitate the concealment or an escape
23 from the commission of any of the foregoing, shall be fined
24 under this title, imprisoned not more than 10 years, or
25 both. For purposes of this section, material support or re-

1 sources shall include, but not be limited to, currency or
2 other financial securities, lodging, training, safehouses,
3 false documentation or identification, communications
4 equipment, facilities, weapons, lethal substances, explo-
5 sives, personnel, transportation, and other physical as-
6 sets.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 113A of title 18, United States Code, is amended by
9 adding the following:

“2339A. Providing material support to terrorists.”.

10 **SEC. 522. SENTENCING GUIDELINES INCREASE FOR TER-**
11 **RORIST CRIMES.**

12 The United States Sentencing Commission is directed
13 to amend its sentencing guidelines to provide an increase
14 of not less than three levels in the base offense level for
15 any felony, whether committed within or outside the Unit-
16 ed States, that involves or is intended to promote inter-
17 national terrorism, unless such involvement or intent is
18 itself an element of the crime.

19 **SEC. 523. EXTENSION OF THE STATUTE OF LIMITATIONS**
20 **FOR CERTAIN TERRORISM OFFENSES.**

21 (a) IN GENERAL.—Chapter 213 of title 18, United
22 States Code, is amended by inserting after section 2385
23 the following:

1 **“§ 3286. Extension of statute of limitations for certain**
 2 **terrorism offenses**

3 “Notwithstanding the provisions of section 3282, no
 4 person shall be prosecuted, tried, or punished for any of-
 5 fense involving a violation of section 32 (aircraft destruc-
 6 tion), section 36 (airport violence), section 112 (assaults
 7 upon diplomats), section 351 (crimes against Congress-
 8 men or Cabinet officers), section 1116 (crimes against dip-
 9 lomats), section 1203 (hostage taking), section 1361 (will-
 10 ful injury to government property), section 1751 (crimes
 11 against the President), section 2280 (maritime violence),
 12 section 2281 (maritime platform violence), section 2331
 13 (terrorist acts abroad against United States nationals),
 14 section 2339 (use of weapons of mass destruction), or sec-
 15 tion 2340A (torture) of this title or section 902(i), (j),
 16 (k), (l), or (n) of the Federal Aviation Act of 1958, as
 17 amended (49 U.S.C. App. 1572(i), (j), (k), (l), or (n)),
 18 unless the indictment is found or the information is insti-
 19 tuted within 10 years after such offense shall have been
 20 committed.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
 22 at the beginning of chapter 213 of title 18, United States
 23 Code, is amended by inserting below the item relating to
 24 section 3285 the following new item:

“3286. Extension of statute of limitations for certain terrorism offenses.”.

1 **SEC. 524. ENHANCED PENALTIES FOR CERTAIN OFFENSES.**

2 (a) TITLE 50.—(1) Section 1705(b) of title 50, United
3 States Code, is amended by replacing “\$50,000” with
4 “\$1,000,000”.

5 (2) Section 1705(a) of title 50, United States Code,
6 is amended by replacing “\$10,000” with “\$1,000,000”.

7 (b) TITLE 18.—(1) Section 1541 of title 18, United
8 States Code, is amended by replacing “\$500” with
9 “\$250,000” and by replacing “one year” with “five
10 years”.

11 (2) Sections 1542, 1543, 1544 and 1546 of title 18,
12 United States Code, are each amended by replacing
13 “\$2,000” with “\$250,000” and by replacing “five years”
14 with “ten years”.

15 (3) Section 1545 of title 18, United States Code, is
16 amended by replacing “\$2,000” with “\$250,000” and by
17 replacing “three years” with “ten years”.

18 **SEC. 525. IMPLEMENTATION OF THE 1988 PROTOCOL FOR**
19 **THE SUPPRESSION OF UNLAWFUL ACTS OF**
20 **VIOLENCE AT AIRPORTS SERVING INTER-**
21 **NATIONAL CIVIL AVIATION.**

22 (a) OFFENSE.—Chapter 2 of title 18, United States
23 Code, is amended by adding at the end the following:

1 **“§ 36. Violence at international airports**

2 “(a) Whoever, in a circumstance described in sub-
3 section (b) of this section, unlawfully and intentionally,
4 using any device, substance or weapon—

5 “(1) performs an act of violence against a per-
6 son at an airport serving international civil aviation
7 which causes or is likely to cause serious injury or
8 death; or

9 “(2) destroys or seriously damages the facilities
10 of an airport serving international civil aviation or a
11 civil aircraft not in service located thereon or dis-
12 rupts the services of the airport;

13 if such an act endangers or is likely to endanger safety
14 at that airport, or attempts to do such an act, shall be
15 fined under this title or imprisoned not more than 20
16 years, or both, and if the death of any person results from
17 conduct prohibited by this subsection, shall be punished
18 by death or imprisoned for any term of years or for life.

19 “(b) The circumstances referred to in subsection (a)
20 of this section are—

21 “(1) the prohibited activity takes place in the
22 United States; or

23 “(2) the prohibited activity takes place outside
24 of the United States and the offender is later found
25 in the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 2 of title 18, United States
3 Code, is amended by adding at the end the following:

“36. Violence at international airports.”.

4 (c) EFFECTIVE DATE.—This section shall take effect
5 on the later of—

6 (1) the date of the enactment of this Act; or

7 (2) the date the Protocol for the Suppression of
8 Unlawful Acts of Violence at Airports Serving Inter-
9 national Civil Aviation, Supplementary to the Con-
10 vention for the Suppression of Unlawful Acts
11 Against the Safety of Civil Aviation, done at Mon-
12 treal on 23 September 1971, has come into force
13 and the United States has become a party to the
14 Protocol.

15 **SEC. 526. AMENDMENT TO FEDERAL AVIATION ACT.**

16 Section 902(n) of the Federal Aviation Act of 1958
17 (49 U.S.C. App. 1472(n)) is amended by—

18 (1) striking out paragraph (3); and

19 (2) redesignating paragraph (4) as paragraph
20 (3).

21 **SEC. 527. OFFENSES OF VIOLENCE AGAINST MARITIME**
22 **NAVIGATION OR FIXED PLATFORMS.**

23 (a) OFFENSE.—Chapter 111 of title 18, United
24 States Code, is amended by adding at the end the follow-
25 ing:

1 **“§ 2280. Violence against maritime navigation**

2 “(a) Whoever, in a circumstance described in sub-
3 section (c) of this section, unlawfully and intentionally—

4 “(1) seizes or exercises control over a ship by
5 force or threat thereof or any other form of intimi-
6 dation;

7 “(2) performs an act of violence against a per-
8 son on board a ship if that act is likely to endanger
9 the safe navigation of that ship;

10 “(3) destroys a ship or causes damage to a ship
11 or to its cargo which is likely to endanger the safe
12 navigation of that ship;

13 “(4) places or causes to be placed on a ship, by
14 any means whatsoever, a device or substance which
15 is likely to destroy that ship, or cause damage to
16 that ship or its cargo which endangers or is likely
17 to endanger the safe navigation of that ship;

18 “(5) destroys or seriously damages maritime
19 navigational facilities or seriously interferes with
20 their operation, if such act is likely to endanger the
21 safe navigation of a ship;

22 “(6) communicates information, knowing the
23 information to be false and under circumstances in
24 which such information may reasonably be believed,
25 thereby endangering the safe navigation of a ship;

1 “(7) injures or kills any person in connection
2 with the commission or the attempted commission of
3 any of the offenses set forth in paragraphs (1) to
4 (6); or

5 “(8) attempts to do anything prohibited under
6 paragraphs (1) through (7);

7 shall be fined under this title or imprisoned not more than
8 20 years, or both, and if the death of any person results
9 from conduct prohibited by this subsection, shall be pun-
10 ished by death or imprisoned for any term of years or for
11 life.

12 “(b) Whoever threatens to engage in conduct prohib-
13 ited under paragraphs (2), (3) or (5) of subsection (a)
14 of this section, with apparent determination and will to
15 carry the threat into execution, if the threatened conduct
16 is likely to endanger the safe navigation of the ship in
17 question, shall be fined under this title or imprisoned not
18 more than five years, or both.

19 “(c) The circumstances referred to in subsection (a)
20 are—

21 “(1) in the case of a covered ship—

22 “(A) such activity is committed—

23 “(i) against or on board a ship flying
24 the flag of the United States at the time
25 the prohibited activity is committed;

1 “(ii) in the United States; or

2 “(iii) by a national of the United
3 States or by a stateless person whose ha-
4 bitual residence is in the United States;

5 “(B) during the commission of such activ-
6 ity, a national of the United States is seized,
7 threatened, injured or killed; or

8 “(C) the offender is later found in the
9 United States after such activity is committed;

10 “(2) in the case of a ship navigating or sched-
11 uled to navigate solely within the territorial sea or
12 internal waters of a country other than the United
13 States, the offender is later found in the United
14 States after such activity is committed; and

15 “(3) in the case of any vessel, such activity is
16 committed in an attempt to compel the United
17 States to do or abstain from doing any act.

18 “(d) The master of a covered ship flying the flag of
19 the United States who has reasonable grounds to believe
20 that he has on board his ship any person who has commit-
21 ted an offense under Article 3 of the Convention for the
22 Suppression of Unlawful Acts Against the Safety of Mari-
23 time Navigation may deliver such person to the authorities
24 of a State Party to that Convention. Before delivering
25 such person to the authorities of another country, the

1 master shall notify in an appropriate manner the Attorney
2 General of the United States of the alleged offense and
3 await instructions from the Attorney General as to what
4 action he should take. When delivering the person to a
5 country which is a State Party to the Convention, the mas-
6 ter shall, whenever practicable, and if possible before en-
7 tering the territorial sea of such country, notify the au-
8 thorities of such country of his intention to deliver such
9 person and the reason therefor. If the master delivers such
10 person, he shall furnish the authorities of such country
11 with the evidence in the master's possession that pertains
12 to the alleged offense.

13 “(e) As used in this section, the term—

14 “(1) ‘ship’ means a vessel of any type whatso-
15 ever not permanently attached to the sea-bed, in-
16 cluding dynamically supported craft, submersibles or
17 any other floating craft, but such term does not in-
18 clude a warship, a ship owned or operated by a gov-
19 ernment when being used as a naval auxiliary or for
20 customs or police purposes, or a ship which has been
21 withdrawn from navigation or laid up;

22 “(2) ‘covered ship’ means a ship that is navi-
23 gating or is scheduled to navigate into, through or
24 from waters beyond the outer limit of the territorial

1 sea of a single country or a lateral limit of that
2 country's territorial sea with an adjacent country;

3 “(3) ‘national of the United States’ has the
4 meaning given such term in section 101(a)(22) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(22));

7 “(4) ‘territorial sea of the United States’ means
8 all waters extending seaward to 12 nautical miles
9 from the baselines of the United States determined
10 in accordance with international law; and

11 “(5) ‘United States’, when used in a geographi-
12 cal sense, includes the Commonwealth of Puerto
13 Rico, the Commonwealth of the Northern Marianas
14 Islands and all territories and possessions of the
15 United States.

16 **“§ 2281. Violence against maritime fixed platforms**

17 “(a) Whoever, in a circumstance described in sub-
18 section (c) of this section, unlawfully and intentionally—

19 “(1) seizes or exercises control over a fixed
20 platform by force or threat thereof or any other
21 form of intimidation;

22 “(2) performs an act of violence against a per-
23 son on board a fixed platform if that act is likely to
24 endanger its safety;

1 “(3) destroys a fixed platform or causes dam-
2 age to it which is likely to endanger its safety;

3 “(4) places or causes to be placed on a fixed
4 platform, by any means whatsoever, a device or sub-
5 stance which is likely to destroy that fixed platform
6 or likely to endanger its safety;

7 “(5) injures or kills any person in connection
8 with the commission or the attempted commission of
9 any of the offenses set forth in paragraphs (1) to
10 (4); or

11 “(6) attempts to do anything prohibited under
12 paragraphs (1)–(5);

13 shall be fined under this title or imprisoned not more than
14 twenty years, or both; and if death results to any person
15 from conduct prohibited by this subsection, shall be pun-
16 ished by death or imprisoned for any term of years or for
17 life.

18 “(b) Whoever threatens to engage in conduct prohib-
19 ited under paragraphs (2) or (3) of subsection (a), with
20 apparent determination and will to carry the threat into
21 execution, if the threatened conduct is likely to endanger
22 the safety of the fixed platform, shall be fined under this
23 title or imprisoned not more than five years, or both.

24 “(c) The circumstances referred to in subsection (a)
25 are—

1 “(1) such activity is committed against or on
2 board a fixed platform—

3 “(A) that is located on the continental
4 shelf of the United States;

5 “(B) that is located on the continental
6 shelf of another country, by a national of the
7 United States or by a stateless person whose
8 habitual residence is in the United States; or

9 “(C) in an attempt to compel the United
10 States to do or abstain from doing any act;

11 “(2) during the commission of such activity
12 against or on board a fixed platform located on a
13 continental shelf, a national of the United States is
14 seized, threatened, injured or killed; or

15 “(3) such activity is committed against or on
16 board a fixed platform located outside the United
17 States and beyond the continental shelf of the United
18 States and the offender is later found in the
19 United States.

20 “(d) As used in this section, the term—

21 “(1) ‘continental shelf’ means the sea-bed and
22 subsoil of the submarine areas that extend beyond a
23 country’s territorial sea to the limits provided by
24 customary international law as reflected in Article
25 76 of the 1982 Convention on the Law of the Sea;

1 “(2) ‘fixed platform’ means an artificial island,
 2 installation or structure permanently attached to the
 3 sea-bed for the purpose of exploration or exploitation
 4 of resources or for other economic purposes;

5 “(3) ‘national of the United States’ has the
 6 meaning given such term in section 101(a)(22) of
 7 the Immigration and Nationality Act (8 U.S.C.
 8 1101(a)(22));

9 “(4) ‘territorial sea of the United States’ means
 10 all waters extending seaward to 12 nautical miles
 11 from the baselines of the United States determined
 12 in accordance with international law; and

13 “(5) ‘United States’, when used in a geographi-
 14 cal sense, includes the Commonwealth of Puerto
 15 Rico, the Commonwealth of the Northern Marianas
 16 Islands and all territories and possessions of the
 17 United States.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of chapter 111 of title 18, United States
 20 Code, is amended by adding at the end the following:

“2280. Violence against maritime navigation.

“2281. Violence against maritime fixed platforms.”.

21 (c) EFFECTIVE DATES.—This section shall take ef-
 22 fect on the later of—

23 (1) the date of the enactment of this Act; or

1 (2)(A) in the case of section 2280 of title 18,
2 United States Code, the date the Convention for the
3 Suppression of Unlawful Acts Against the Safety of
4 Maritime Navigation has come into force and the
5 United States has become a party to that Conven-
6 tion; and

7 (B) in the case of section 2281 of title 18,
8 United States Code, the date the Protocol for the
9 Suppression of Unlawful Acts Against the Safety of
10 Fixed Platforms Located on the Continental Shelf
11 has come into force and the United States has be-
12 come a party to that Protocol.

13 **SEC. 528. WEAPONS OF MASS DESTRUCTION.**

14 (a) OFFENSE.—Chapter 113A of title 18, United
15 States Code, is amended by adding at the end the follow-
16 ing:

17 **“§ 2339. Use of weapons of mass destruction**

18 “(a) Whoever uses, or attempts or conspires to use,
19 a weapon of mass destruction—

20 “(1) against a national of the United States
21 while such national is outside of the United States;

22 “(2) against any person within the United
23 States; or

24 “(3) against any property that is owned, leased
25 or used by the United States or by any department

1 or agency of the United States, whether the property
2 is within or outside of the United States;
3 shall be imprisoned for any term of years or for life, and
4 if death results, shall be punished by death or imprisoned
5 for any term of years or for life.

6 “(b) For purposes of this section—

7 “(1) ‘national of the United States’ has the
8 meaning given in section 101(a)(22) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1101(a)(22));
10 and

11 “(2) ‘weapon of mass destruction’ means—

12 “(a) any destructive device as defined in
13 section 921 of this title;

14 “(b) poison gas;

15 “(c) any weapon involving a disease orga-
16 nism; or

17 “(d) any weapon that is designed to release
18 radiation or radioactivity at a level dangerous
19 to human life.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 113A of title 18, United States
22 Code, is amended by adding the following:

“2339. Use of weapons of mass destruction.”.

1 **SEC. 529. NATIONAL TASK FORCE ON**
2 **COUNTERTERRORISM.**

3 (a) ESTABLISHMENT.—The President shall establish
4 a National Task Force on Counterterrorism comprised of
5 the following seven members: the Deputy Attorney Gen-
6 eral of the United States, the Deputy Director of Oper-
7 ations of the Central Intelligence Agency or the Deputy
8 Director of Central Intelligence, the Coordinator for Ter-
9 rorism of the Department of State, an Assistant Secretary
10 of Commerce as designated by the Secretary of Commerce,
11 the Secretary of Defense for Special Operations Low In-
12 tensity Conflict, the National Security Advisor or the Dep-
13 uty National Security Advisor for Special Operations Low
14 Intensity Conflict, and the Assistant Secretary of Treas-
15 ury for Enforcement. The Deputy Attorney General shall
16 serve as the Chairperson of the Task Force and shall co-
17 ordinate all antiterrorism activities of the intelligence com-
18 munity of the United States Government.

19 (b) DUTIES.—The National Task Force on
20 Counterterrorism shall—

21 (1) formulate a definition as to what constitutes
22 terrorism;

23 (2) define those intelligence assets dedicated for
24 collection of information on terrorism;

1 (3) define the methods for the Task Force to be
2 the central processor and distributor of intelligence
3 on terrorism;

4 (4) outline all preventive and reactive policy is-
5 sues with regards to terrorism;

6 (5) define the methods for the Task Force to
7 have overall operational control for counterterrorist
8 and terrorist anti-proliferation operations, both overt
9 and covert;

10 (6) report to Congress no later than six months
11 after the date of enactment of this Act, and each 90
12 days thereafter for the remainder of the two-year pe-
13 riod beginning on such date, as to how the Task
14 Force will implement paragraphs (1) through (5) of
15 this section; and

16 (7) beginning 60 days after the date on which
17 the report is submitted under paragraph (6), imple-
18 ment paragraphs (1) through (5) in accordance with
19 the report.

20 (c) CHIEF AND DEPUTY CHIEF OF STAFF.—The Na-
21 tional Task Force on Counterterrorism shall have a chief
22 of staff and a deputy chief of staff who shall be appointed
23 by the task force. The chief of staff shall be paid at a
24 rate not to exceed the rate of basic pay payable for the
25 highest rate payable for the Senior Executive Service.

1 **SEC. 530. DEATH PENALTY FOR DEATH CAUSED BY THE**
2 **USE OF A BOMB OR OTHER DESTRUCTIVE**
3 **DEVICE.**

4 Section 924 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(j) CAUSING DEATH THROUGH THE USE OF A
7 BOMB OR OTHER DESTRUCTIVE DEVICE.—

8 “(1) PENALTY.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), a person who intentionally or with
11 reckless disregard for human life causes the
12 death of a person through the use of a bomb or
13 other destructive device shall be sentenced to
14 life imprisonment without release, or to death if
15 it is determined that imposition of a sentence of
16 death is justified.

17 “(B) LIMITATION.—No person may be
18 sentenced to the death penalty who was less
19 than 18 years of age at the time of the of-
20 fense.”.

TITLE VI—CRIMINAL ALIENS
AND ALIEN SMUGGLING
Subtitle A—Deportation of
Criminal Aliens

SEC. 601. EXPEDITING CRIMINAL ALIEN DEPORTATION AND
EXCLUSION.

(a) CONVICTED DEFINED.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following new subparagraph:

“(E) CONVICTED DEFINED.—In this paragraph, the term ‘convicted’ means a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere, whether or not the alien appeals therefrom.”.

(b) DEPORTATION OF CONVICTED ALIENS.—

(1) IMMEDIATE DEPORTATION.—Section 242(h) of such Act (8 U.S.C. 1252(h)) is amended—

(A) by striking “(h) An alien” and inserting “(h)(1) Subject to paragraph (2), an alien”; and

(B) by adding at the end the following new paragraph:

“(2) An alien sentenced to imprisonment may be deported prior to the termination of such imprisonment by

1 the release of the alien from confinement, if the Service
2 petitions the appropriate court or other entity with author-
3 ity concerning the alien to release the alien into the cus-
4 tody of the Service for execution of an order of deporta-
5 tion.”.

6 (2) PROHIBITION OF REENTRY INTO THE
7 UNITED STATES.—Section 212(a)(2) of such Act (8
8 U.S.C. 1182(a)(2)) is amended—

9 (A) by redesignating subparagraph (F) as
10 subparagraph (G); and

11 (B) by inserting after subparagraph (E)
12 the following new subparagraph:

13 “(F) ALIENS DEPORTED BEFORE SERVING
14 MINIMUM PERIOD OF CONFINEMENT.—In addi-
15 tion to any other period of exclusion which may
16 apply an alien deported pursuant to section
17 242(h)(2) is excludable during the minimum pe-
18 riod of confinement to which the alien was sen-
19 tenced.”.

20 (c) EXECUTION OF DEPORTATION ORDERS.—Section
21 242(i) of such Act (8 U.S.C. 1252(i)) is amended by add-
22 ing at the end the following: “An order of deportation may
23 not be executed until all direct appeals relating to the con-
24 viction which is the basis of the deportation order have
25 been exhausted.”.

1 **SEC. 602. AUTHORIZING REGISTRATION OF ALIENS ON**
2 **CRIMINAL PROBATION OR CRIMINAL PA-**
3 **ROLE.**

4 Section 263(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1303(a)) is amended by striking “and (5)”
6 and inserting “(5) aliens who are or have been on criminal
7 probation or criminal parole within the United States, and
8 (6)”.

9 **SEC. 603. EXPANSION IN DEFINITION OF “AGGRAVATED**
10 **FELONY”.**

11 (a) EXPANSION IN DEFINITION.—Section 101(a)(43)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(43)) is amended to read as follows:

14 “(43) The term ‘aggravated felony’ means—

15 “(A) murder;

16 “(B) any illicit trafficking in any con-
17 trolled substance (as defined in section 102 of
18 the Controlled Substances Act), including any
19 drug trafficking crime as defined in section
20 924(c)(2) of title 18, United States Code;

21 “(C) any illicit trafficking in any firearms
22 or destructive devices as defined in section 921
23 of title 18, United States Code, or in explosive
24 materials as defined in section 841(c) of title
25 18, United States Code;

1 “(D) any offense described in sections
2 1951 through 1963 of title 18, United States
3 Code;

4 “(E) any offense described in—

5 “(i) subsection (h) or (i) of section
6 842, title 18, United States Code, or sub-
7 section (d), (e), (f), (g), (h), or (i) of sec-
8 tion 844 of title 18, United States Code,
9 (relating to explosive materials offenses),

10 “(ii) paragraph (1), (2), (3), (4), or
11 (5) of section 922(g), subsection (j), (n),
12 (o), (p), or (r) of section 922, section
13 924(b), or section 924(h) of title 18, Unit-
14 ed States Code, (relating to firearms of-
15 fenses), or

16 “(iii) section 5861 of the Internal
17 Revenue Code of 1986 (relating to fire-
18 arms offenses);

19 “(F) any crime of violence (as defined in
20 section 16 of title 18, United States Code, not
21 including a purely political offense) for which
22 the term of imprisonment imposed (regardless
23 of any suspension of such imprisonment) is at
24 least 5 years;

1 “(G) any theft offense (including receipt of
2 stolen property) or any burglary offense, where
3 a sentence of 5 years imprisonment or more
4 may be imposed;

5 “(H) any offense described in section 875,
6 section 876, section 877, or section 1202 of
7 title 18, United States Code (relating to the de-
8 mand for or receipt of ransom);

9 “(I) any offense described in section 2251,
10 section 2251A or section 2252 of title 18, Unit-
11 ed States Code (relating to child pornography);

12 “(J) any offense described in section 1084
13 of title 18, United States Code, where a sen-
14 tence of 5 years imprisonment or more may be
15 imposed;

16 “(K) any offense relating to commercial
17 bribery, counterfeiting, forgery or trafficking in
18 vehicles whose identification numbers have been
19 altered, where a sentence of 5 years imprison-
20 ment or more may be imposed;

21 “(L) any offense—

22 “(i) relating to the owning, control-
23 ling, managing or supervising of a pros-
24 titution business,

1 “(ii) described in section 2421
2 through 2424 of title 18, United States
3 Code, for commercial advantage, or

4 “(iii) described in sections 1581
5 through 1585, or section 1588, of title 18,
6 United States Code (relating to peonage,
7 slavery, and involuntary servitude);

8 “(M) any offense relating to perjury or
9 subornation of perjury where a sentence of 5
10 years imprisonment or more may be imposed;

11 “(N) any offense described in—

12 “(i) section 793 (relating to gathering
13 or transmitting national defense informa-
14 tion), section 798 (relating to disclosure of
15 classified information), section 2153 (relat-
16 ing to sabotage) or section 2381 or section
17 2382 (relating to treason) of title 18, Unit-
18 ed States Code, or

19 “(ii) section 421 of title 50, United
20 States Code (relating to protecting the
21 identity of undercover intelligence agents);

22 “(O) any offense—

23 “(i) involving fraud or deceit where
24 the loss to the victim or victims exceeded
25 \$200,000; or

1 “(ii) described in section 7201 of title
2 26, United States Code (relating to tax
3 evasion), where the tax loss to the Govern-
4 ment exceeds \$200,000;

5 “(P) any offense described in section
6 274(a)(1) of the Immigration and Nationality
7 Act (relating to alien smuggling) for the pur-
8 pose of commercial advantage;

9 “(Q) any violation of section 1546(a) of
10 title 18, United States Code (relating to docu-
11 ment fraud), for the purpose of commercial ad-
12 vantage; or

13 “(R) any offense relating to failing to ap-
14 pear before a court pursuant to a court order
15 to answer to or dispose of a charge of a felony,
16 where a sentence of 2 years or more may be im-
17 posed;

18 or any attempt or conspiracy to commit any such
19 act. Such term applies to offenses described in this
20 paragraph whether in violation of Federal or State
21 law and applies to such offenses in violation of the
22 laws of a foreign country for which the term of im-
23 prisonment was completed within the previous 15
24 years.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to all convictions entered before,
3 on, or after the date of enactment of this Act.

4 **SEC. 604. DEPORTATION PROCEDURES FOR CERTAIN**
5 **CRIMINAL ALIENS WHO ARE NOT PERMA-**
6 **NENT RESIDENTS.**

7 (a) ELIMINATION OF ADMINISTRATIVE HEARING FOR
8 CERTAIN CRIMINAL ALIENS.—Section 242A of the Immi-
9 gration and Nationality Act (8 U.S.C. 1252a) is amended
10 by adding at the end the following:

11 “(c) DEPORTATION OF ALIENS WHO ARE NOT PER-
12 MANENT RESIDENTS.—

13 “(1) Notwithstanding section 242, and subject
14 to paragraph (5), the Attorney General may issue a
15 final order of deportation against any alien described
16 in paragraph (2) whom the Attorney General deter-
17 mines to be deportable under section
18 241(a)(2)(A)(iii) (relating to conviction of an aggra-
19 vated felony).

20 “(2) An alien is described in this paragraph if
21 the alien—

22 “(A) was not lawfully admitted for perma-
23 nent residence at the time that proceedings
24 under this section commenced, or

1 “(B) had permanent resident status on a
2 conditional basis (as described in section 216)
3 at the time that proceedings under this section
4 commenced.

5 “(3) The Attorney General may delegate the
6 authority in this section to the Commissioner or to
7 any District Director of the Service.

8 “(4) No alien described in this section shall be
9 eligible for—

10 “(A) any relief from deportation that the
11 Attorney General may grant in his discretion,
12 or

13 “(B) relief under section 243(h).

14 “(5) The Attorney General may not execute any
15 order described in paragraph (1) until 14 calendar
16 days have passed from the date that such order was
17 issued, in order that the alien has an opportunity to
18 apply for judicial review under section 106.”.

19 (b) LIMITED JUDICIAL REVIEW.—Section 106 of the
20 Immigration and Nationality Act (8 U.S.C. 1105a) is
21 amended—

22 (1) in the first sentence of subsection (a), by in-
23 serting “or pursuant to section 242A” after “under
24 section 242(b)”;

1 (2) in subsection (a)(1) and subsection (a)(3),
2 by inserting “(including an alien described in section
3 242A)” after “aggravated felony”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(d) Notwithstanding subsection (c), a petition for
7 review or for habeas corpus on behalf of an alien described
8 in section 242A(c) may only challenge whether the alien
9 is in fact an alien described in such section, and no court
10 shall have jurisdiction to review any other issue.”.

11 (c) TECHNICAL AND CONFORMING CHANGES.—Sec-
12 tion 242A of the Immigration and Nationality Act (8
13 U.S.C. 1252a) is amended as follows:

14 (1) In subsection (a)—

15 (A) by striking “(a) IN GENERAL.—” and
16 inserting “(b) DEPORTATION OF PERMANENT
17 RESIDENT ALIENS.—(1) IN GENERAL.—”; and

18 (B) by inserting in the first sentence “per-
19 manent resident” after “correctional facilities
20 for”;

21 (2) In subsection (b)—

22 (A) by striking “(b) IMPLEMENTATION.—”
23 and inserting “(2) IMPLEMENTATION.—”; and

24 (B) by striking “respect to an” and insert-
25 ing “respect to a permanent resident”;

1 (3) By striking out subsection (c);

2 (4) In subsection (d)—

3 (A) by striking “(d) EXPEDITED PRO-
4 CEEDINGS.—(1)” and inserting “(3) EXPE-
5 DITED PROCEEDINGS.—(A)”;

6 (B) by inserting “permanent resident”
7 after “in the case of any”; and

8 (C) by striking “(2)” and inserting “(B)”;

9 (5) In subsection (e)—

10 (A) by striking “(e) REVIEW.—(1)” and
11 inserting “(4) REVIEW.—(A)”;

12 (B) by striking the second sentence; and

13 (C) by striking “(2)” and inserting “(B)”;

14 (6) By inserting after the section heading the
15 following new subsection:

16 “(a) PRESUMPTION OF DEPORTABILITY.—An alien
17 convicted of an aggravated felony shall be conclusively pre-
18 sumed to be deportable from the United States.”; and

19 (7) The heading of such section is amended to
20 read as follows:

21 “EXPEDITED DEPORTATION OF ALIENS CONVICTED OF
22 COMMITTING AGGRAVATED FELONIES”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to all aliens against whom deporta-
25 tion proceedings are initiated after the date of enactment
26 of this Act.

1 **SEC. 605. JUDICIAL DEPORTATION.**

2 (a) JUDICIAL DEPORTATION.—Section 242A of the
3 Immigration and Nationality Act (8 U.S.C. 1252a) is
4 amended by inserting at the end the following new sub-
5 section:

6 “(d) JUDICIAL DEPORTATION.—

7 “(1) AUTHORITY.—Notwithstanding any other
8 provision of this Act, a United States district court
9 shall have jurisdiction to enter a judicial order of de-
10 portation at the time of sentencing against an alien
11 whose criminal conviction causes such alien to be de-
12 portable under section 241(a)(2)(A)(iii) (relating to
13 conviction of an aggravated felony), if such an order
14 has been requested prior to sentencing by the United
15 States Attorney with the concurrence of the Com-
16 missioner.

17 “(2) PROCEDURE.—

18 “(A) The United States Attorney shall pro-
19 vide notice of intent to request judicial deporta-
20 tion promptly after the entry in the record of
21 an adjudication of guilt or guilty plea. Such no-
22 tice shall be provided to the court, to the alien,
23 and to the alien’s counsel of record.

24 “(B) Notwithstanding section 242B, the
25 United States Attorney, with the concurrence of
26 the Commissioner, shall file at least 20 days

1 prior to the date set for sentencing a charge
2 containing factual allegations regarding the
3 alienage of the defendant and satisfaction by
4 the defendant of the definition of aggravated
5 felony.

6 “(C) If the court determines that the de-
7 fendant has presented substantial evidence to
8 establish prima facie eligibility for relief from
9 deportation under section 212(c), the Commis-
10 sioner shall provide the court with a rec-
11 ommendation and report regarding the alien’s
12 eligibility for relief under such section. The
13 court shall either grant or deny the relief
14 sought.

15 “(D)(i) The alien shall have a reasonable
16 opportunity to examine the evidence against
17 him or her, to present evidence on his or her
18 own behalf, and to cross-examine witnesses pre-
19 sented by the Government.

20 “(ii) The court, for the purposes of deter-
21 mining whether to enter an order described in
22 paragraph (1), shall only consider evidence that
23 would be admissible in proceedings conducted
24 pursuant to section 242(b).

1 “(iii) Nothing in this subsection shall limit
2 the information a court of the United States
3 may receive or consider for the purposes of im-
4 posing an appropriate sentence.

5 “(iv) The court may order the alien de-
6 ported if the Attorney General demonstrates by
7 clear and convincing evidence that the alien is
8 deportable under this Act.

9 “(3) NOTICE, APPEAL, AND EXECUTION OF JU-
10 DICIAL ORDER OF DEPORTATION.—

11 “(A)(i) A judicial order of deportation or
12 denial of such order may be appealed by either
13 party to the court of appeals for the circuit in
14 which the district court is located.

15 “(ii) Except as provided in clause (iii),
16 such appeal shall be considered consistent with
17 the requirements described in section 106.

18 “(iii) Upon execution by the defendant of
19 a valid waiver of the right to appeal the convic-
20 tion on which the order of deportation is based,
21 the expiration of the period described in section
22 106(a)(1), or the final dismissal of an appeal
23 from such conviction, the order of deportation
24 shall become final and shall be executed at the

1 end of the prison term in accordance with the
2 terms of the order.

3 “(B) As soon as is practicable after entry
4 of a judicial order of deportation, the Commis-
5 sioner shall provide the defendant with written
6 notice of the order or deportation, which shall
7 designate the defendant’s country of choice for
8 deportation and any alternate country pursuant
9 to section 243(a).

10 “(4) DENIAL OF JUDICIAL ORDER.—Denial of a
11 request for a judicial order of deportation shall not
12 preclude the Attorney General from initiating depor-
13 tation proceedings pursuant to section 242 upon the
14 same ground of deportability or upon any other
15 ground of deportability provided under section
16 241(a).”.

17 (b) TECHNICAL AND CONFORMING CHANGES.—The
18 ninth sentence of section 242(b) of the Immigration and
19 Nationality Act (8 U.S.C. 1252(b)) is amended by striking
20 out “The” and inserting in lieu thereof, “Except as pro-
21 vided in section 242A(d), the”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to all aliens whose adjudication of
24 guilt or guilty plea is entered in the record after the date
25 of enactment of this Act.

1 **SEC. 606. RESTRICTING DEFENSES TO DEPORTATION FOR**
2 **CERTAIN CRIMINAL ALIENS.**

3 (a) DEFENSES BASED ON SEVEN YEARS OF PERMA-
4 NENT RESIDENCE.—The last sentence of section 212(c)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1182(c)) is amended by striking out “has served for such
7 felony or felonies” and all that follows through the period
8 and inserting in lieu thereof “has been sentenced for such
9 felony or felonies to a term of imprisonment of at least
10 5 years, provided that the time for appealing such convic-
11 tion or sentence has expired and the sentence has become
12 final.”.

13 (b) DEFENSES BASED ON WITHHOLDING OF DEPOR-
14 TATION.—Section 243(h)(2) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1253(h)(2)) is amended by—

16 (1) striking out the final sentence and inserting
17 in lieu thereof the following new subparagraph:

18 “(E) the alien has been convicted of an ag-
19 gravated felony.”; and

20 (2) striking out the “or” at the end of subpara-
21 graph (C) and inserting “or” at the end of subpara-
22 graph (D).

1 **SEC. 607. ENHANCING PENALTIES FOR FAILING TO DE-**
2 **PART, OR REENTERING, AFTER FINAL ORDER**
3 **OF DEPORTATION.**

4 (a) FAILURE TO DEPART.—Section 242(e) of the Im-
5 migration and Nationality Act (8 U.S.C. 1252(e)) is
6 amended—

7 (1) by striking out “paragraph (2), (3), or 4
8 of” the first time it appears, and

9 (2) by striking out “shall be imprisoned not
10 more than ten years” and inserting in lieu thereof,
11 “shall be imprisoned not more than two years, or
12 shall be imprisoned not more than ten years if the
13 alien is a member of any of the classes described in
14 paragraph (2), (3), or (4) of section 241(a).”.

15 (b) REENTRY.—Section 276(b) of the Immigration
16 and Nationality Act (8 U.S.C. 1326(b)) is amended—

17 (1) in paragraph (1), by (A) inserting after
18 “commission of” the following: “three or more mis-
19 demeanors or”, and (B) striking out “5” and insert-
20 ing in lieu thereof “10”,

21 (2) in paragraph (2), by striking out “15” and
22 inserting in lieu thereof “20”, and

23 (3) by adding at the end the following sentence:
24 “For the purposes of this subsection, the term ‘de-
25 portation’ shall include any agreement where an

1 alien stipulates to deportation during a criminal trial
2 under either Federal or State law.”.

3 (c) COLLATERAL ATTACKS ON UNDERLYING DEPOR-
4 TATION ORDER.—Section 276 of the Immigration and Na-
5 tionality Act (8 U.S.C. 1326) is amended by inserting
6 after subsection (b) the following new subsection:

7 “(c) In any criminal proceeding under this section,
8 no alien may challenge the validity of the deportation
9 order described in subsection (a)(1) or subsection (b) un-
10 less the alien demonstrates—

11 “(1) that the alien exhausted the administrative
12 remedies (if any) that may have been available to
13 seek relief against such order,

14 “(2) that the deportation proceedings at which
15 such order was issued improperly deprived the alien
16 of the opportunity for judicial review, and

17 “(3) that the entry of such order was fun-
18 damentally unfair.”.

19 **SEC. 608. MISCELLANEOUS AND TECHNICAL CHANGES.**

20 (a) FORM OF DEPORTATION HEARINGS.—The sec-
21 ond sentence of section 242(b) of the Immigration and
22 Nationality Act (8 U.S.C. 1252(b)) is amended by insert-
23 ing before the period the following: “; except that nothing
24 in this subsection shall preclude the Attorney General
25 from authorizing proceedings by electronic or telephonic

1 media (with or without the consent of the alien) or, where
2 waived or agreed to by the parties, in the absence of the
3 alien.”.

4 (b) CONSTRUCTION OF EXPEDITED DEPORTATION
5 REQUIREMENTS.—No amendment made by this Act and
6 nothing in section 242(i) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1252(i)), shall be construed to create
8 any right or benefit, substantive or procedural, which is
9 legally enforceable by any party against the United States,
10 its agencies, its officers or any other person.

11 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS FOR**
12 **CRIMINAL ALIEN INFORMATION SYSTEM.**

13 There is authorized to be appropriated to carry out
14 section 242(a)(3)(A) of the Immigration and Nationality
15 Act, \$5,000,000 for fiscal year 1994 and \$2,000,000 for
16 each of the fiscal years 1995, 1996, 1997, and 1998.

17 **Subtitle B—Prevention and**
18 **Punishment of Alien Smuggling**

19 **SEC. 611. BORDER PATROL AGENTS.**

20 In addition to such amounts as are otherwise author-
21 ized to be appropriated, there is authorized to be appro-
22 priated for each of the fiscal years 1994, 1995, 1996,
23 1997, 1998, for salaries and expenses of the Border Patrol
24 such amounts as may be necessary to provide for an in-
25 crease in the number of agents of the Border Patrol by

1 3,000 full-time equivalent agent positions beyond the
2 number of such positions at the Border Patrol on July
3 1, 1993.

4 **SEC. 612. BORDER PATROL INVESTIGATORS.**

5 In addition to such amounts as are otherwise author-
6 ized to be appropriated, there is authorized to be appro-
7 priated for each of the fiscal years 1994, 1995, 1996,
8 1997, 1998, for salaries and expenses of the Border Patrol
9 such amounts as may be necessary to provide for an in-
10 crease in the number of investigators of the Border Patrol
11 by 1,000 full-time equivalent investigator positions beyond
12 the number of such positions at the Border Patrol on July
13 1, 1993.

14 **SEC. 613. ENHANCED PENALTIES FOR CERTAIN ALIEN**
15 **SMUGGLING.**

16 Section 274(a)(1) of the Immigration and Nationality
17 Act (8 U.S.C. 1324(a)(1)) is amended by striking “five
18 years” and inserting “ten years”.

19 **TITLE VII—EXPANDING PRISON**
20 **CAPACITY**

21 **SEC. 701. USE OF PRIVATE ACTIVITY BONDS.**

22 (a) IN GENERAL.—Subsection (a) of section 142 of
23 the Internal Revenue Code of 1986 (defining exempt facil-
24 ity bond) is amended by striking “or” at the end of para-
25 graph (11), by striking the period at the end of paragraph

1 (12) and inserting “, or”, and by adding at the end thereof
2 the following new paragraph:

3 “(13) correctional facilities.”.

4 (b) DEFINITION.—Section 142 of such Code is
5 amended by adding at the end thereof the following new
6 subsection:

7 “(k) CORRECTIONAL FACILITIES.—For purposes of
8 subsection (a)(13), the term ‘correctional facilities’ means
9 facilities for the confinement or rehabilitation of offenders
10 or individuals charged with or convicted of criminal of-
11 fenses, including prisons, jails, detention centers and drug
12 and alcohol rehabilitation centers. Correctional facilities
13 shall be treated in all events as serving the general pub-
14 lic.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to obligations issued after the date
17 of the enactment of this Act.

18 **SEC. 702. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL**
19 **PRISONS.**

20 (a) CREATED BY ATTORNEY GENERAL.—The Attor-
21 ney General shall—

22 (1) establish a Regional Prison Task Force
23 comprised of—

24 (A) the Director of the Federal Bureau of
25 Prisons; and

1 (B) a senior correctional officer of each
2 State wishing to participate, who is designated
3 for this purpose by the Governor of the State;
4 and

5 (2) create a plan, in consultation with the Re-
6 gional Prison Task Force for the establishment of a
7 nationwide regional prison system, and report that
8 plan to the Committees on the Judiciary and Appro-
9 priations of the House of Representatives and the
10 Senate not later than 180 days after the date of the
11 enactment of this Act.

12 (b) SCOPE OF PLAN.—The plan shall—

13 (1) define the boundaries and number of re-
14 gions in which regional prisons will be placed;

15 (2) establish the terms of the partnership
16 agreements that States must enter into with the At-
17 torney General in order to participate in the regional
18 prison system;

19 (3) set forth the extent of the role of the Fed-
20 eral Bureau of Prisons in administering the prisons;

21 (4) determine the way 2 or more States in a re-
22 gion will share responsibility for the activities associ-
23 ated with the regional prisons; and

24 (5) specify both the Federal responsibility and
25 the State responsibility (which shall not be less than

1 50 percent) for construction costs and operating
2 costs of the regional prisons.

3 (c) STATE ELIGIBILITY.—No State may send any
4 prisoner to be held at a regional prison established under
5 this section unless such State, as determined by the Attor-
6 ney General—

7 (1) enters into a partnership agreement under
8 subsection (a) and abides substantially by its terms;

9 (2) establishes minimum mandatory sentences
10 of 10 years for persons who are convicted of a seri-
11 ous felony and are subsequently convicted of a crime
12 of violence involving the use of a firearm or a crime
13 of violence involving a sexual assault;

14 (3) establishes a truth in sentencing policy
15 under which offenders will serve no less than 85 per-
16 cent of the term of imprisonment to which they are
17 sentenced—

18 (A) after the date the State enters into the
19 partnership agreement, with respect to crimes
20 of violence involving the use of a firearm or a
21 crime of violence involving a sexual assault; and

22 (B) after a date set by the State which is
23 not later than 2 years after that State enters
24 into such agreement, with respect to all other

1 crimes of violence and serious drug trafficking
2 offenses;

3 (4) provides pretrial detention similar to that
4 provided in the Federal system under section 3142
5 of title 18, United States Code;

6 (5) takes steps to eliminate court imposed limi-
7 tations on its prison capacity resulting from consent
8 decrees or statutory provisions; and

9 (6) provides adequate assurances that—

10 (A) such State will not use the regional
11 prison system to supplant any part of its own
12 system; and

13 (B) funds provided by the State for the
14 construction of regional prisons under this sec-
15 tion will be in addition to what would otherwise
16 have been made available for the construction
17 and operation of prisons by the State.

18 (d) PRISONER ELIGIBILITY.—A State which is eligi-
19 ble under this section may send prisoners convicted of
20 State crimes to serve their prison sentence in the regional
21 prison established under this section if—

22 (1) the prisoner has been convicted of not less
23 than 2 crimes of violence or serious drug trafficking
24 offenses and then commits a crime of violence in-

1 volving the use of a firearm or a crime of violence
2 involving a sexual assault; or

3 (2) the prisoner is an illegal alien convicted of
4 a felony offense punishable by more than 1 year's
5 imprisonment.

6 (e) DEFINITIONS.—As used in this section—

7 (1) the term “crime of violence” is a felony of-
8 fense that is—

9 (A) punishable by imprisonment for a term
10 exceeding one year; and

11 (B) a crime of violence as defined in sec-
12 tion 16 of title 18, United States Code;

13 (2) the term “serious drug trafficking offense”
14 is a felony offense that is—

15 (A) punishable by imprisonment for a term
16 exceeding one year; and

17 (B) defined in section 924(e)(2)(A) of title
18 18, United States Code;

19 (3) the term “serious felony” means a felony
20 punishable by imprisonment for a term exceeding 1
21 year, or any act of juvenile delinquency involving the
22 use or carrying of a firearm, knife, or destructive de-
23 vice that would be punishable by imprisonment for
24 such term if committed by an adult, that—

1 (A) has as an element the use, attempted
2 use, or threatened use of physical force against
3 the person of another;

4 (B) is burglary, arson, or extortion, in-
5 volves use of explosives, or otherwise involves
6 conduct that presents a serious potential risk of
7 physical injury to another; or

8 (C) involves conduct in violation of section
9 401 of the Controlled Substances Act that con-
10 sists of illegal distribution of a controlled sub-
11 stance;

12 (4) the term “crime of violence involving a sex-
13 ual assault” is a crime of violence that is an offense
14 as defined in chapter 109A of title 18, United States
15 Code; and

16 (5) the term “State” includes the District of
17 Columbia, Puerto Rico, and any other territory or
18 possession of the United States.

19 (f) REGIONAL PRISON FUND.—There is established
20 in the Treasury the Regional Prison Fund. The Regional
21 Prison Fund shall consist of—

22 (1) sums appropriated to it by Act of Congress;

23 (2) notwithstanding section 1401 of the Victims
24 of Crime Act of 1984 (42 U.S.C. 10601) or any
25 other provision of law, the total of criminal fines de-

1 posited in the Crime Victims Fund during each fis-
2 cal year (beginning after the date of the enactment
3 of this Act) that exceeds \$150,000,000; and

4 (3) notwithstanding any other provision of law,
5 any portion of the Department of Justice Asset For-
6 feiture Fund that the Attorney General determines
7 is remaining after distributions of—

8 (A) funds to be shared with State and
9 local law enforcement;

10 (B) funds to pay warehouse and appraisal
11 fees and innocent lien holders; and

12 (C) funds for Federal law enforcement.

13 (g) TRANSFERS.—The Secretary of the Treasury
14 shall from time to time make appropriate transfers be-
15 tween funds to implement subsection (f).

16 (h) USE OF REGIONAL PRISON FUND.—The Attor-
17 ney General may use any sums in the Regional Prison
18 Fund to carry out this section.

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Regional Prison
21 Fund—

22 (1) \$1,000,000,000 for each of fiscal years
23 1994 through 1996; and

24 (2) such sums as may be necessary thereafter
25 through fiscal year 2004.

1 **SEC. 703. NON-APPLICABILITY OF DAVIS-BACON TO PRISON**
 2 **CONSTRUCTION.**

3 (a) FEDERAL PRISON CONSTRUCTION.—Section 1 of
 4 the Davis-Bacon Act of March 3, 1991 (46 Stat. 1494,
 5 as amended, 40 U.S.C. 276a) is amended by adding at
 6 the end the following new subsection:

7 “(c) The requirements of this section shall not apply
 8 to contracts for construction, alteration, and/or repair of
 9 institutions used to incarcerate persons held under author-
 10 ity of any enactment of Congress.”.

11 (d) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall become effective on the date of enact-
 13 ment of this Act.

14 **SEC. 704. ACTIONS CHALLENGING CONDITIONS OF CON-**
 15 **FINEMENT.**

16 (a) IN GENERAL.—Title 28, United States Code is
 17 amended by inserting after chapter 176 the following new
 18 chapter:

19 **“CHAPTER 177—ACTIONS CHALLENGING**
 20 **CONDITIONS OF CONFINEMENT**

“Sec.

“3401. Limitations on remedies.

“3402. Consent decrees.

“3403. Modification of orders or decrees.

21 **“§ 3401. Limitations on remedies**

22 “(a)(1) If the district court, in any action challenging
 23 the constitutionality of conditions of confinement in any

1 prison, jail, detention facility, or other correctional institu-
2 tion housing persons accused or convicted of a crime or
3 juveniles adjudicated delinquent, finds that one or more
4 conditions of confinement are in violation of the United
5 States Constitution, the court shall narrowly tailor any re-
6 lief to fit the nature and extent of the violations and shall
7 make the order no more intrusive than absolutely nec-
8 essary to ensure that the violations are remedied. The
9 court shall have no jurisdiction—

10 “(A) to impose a ceiling on the population of
11 any institution or to require any adjustment of the
12 release dates of inmates; or

13 “(B) to prohibit the use of tents or prefab-
14 ricated structures for housing inmates.

15 **“§ 3402. Consent decrees**

16 “(a) No consent decree in any action challenging the
17 constitutionality of conditions of confinement in any pris-
18 on, jail, detention facility, or other correctional institution
19 housing persons accused or convicted of a crime or juve-
20 niles adjudicated delinquent shall provide relief greater
21 than the minimum required to bring the conditions of con-
22 finement into substantial compliance with the United
23 States Constitution.

24 “(b) In entering a consent decree, the court shall
25 make a written finding that the relief provided in the de-

1 cree is no greater than the minimum required to bring
2 the conditions of confinement into substantial compliance
3 with the United States Constitution. If it appears to the
4 court that the relief provided in the decree is greater than
5 the minimum required, the court may recommend changes
6 in the decree.

7 **“§ 3403. Modification of orders or decrees**

8 “(a)(1) Upon motion of a defendant at any time, the
9 court may conduct a hearing on whether an order or de-
10 cree described in section 3401 or 3402 of this title should
11 be modified in light of—

12 “(A) changed factual circumstances affecting
13 the operation of the order or decree, whether or not
14 foreseeable;

15 “(B) a change or clarification of the governing
16 law, whether or not foreseeable;

17 “(C) a succession in office of an official respon-
18 sible for having consented to a decree;

19 “(D) the government’s financial constraints or
20 any other matter affecting public safety or the pub-
21 lic interest; or

22 “(E) any ground provided in Rule 60(b) of the
23 Federal Rules of Civil Procedure.

24 “(2) The court shall conduct such a hearing if the
25 motion was filed more than one year after the date of the

1 order or decree or the date on which the last previous
2 modification hearing was conducted, whichever is later.

3 “(b) If the court denies a motion to modify an order
4 or consent decree under subsection (a) of this section, the
5 court shall make a written finding that the relief provided
6 in the order or decree, as of the date of decision, is no
7 greater than the minimum required to bring the conditions
8 of confinement into substantial compliance with the
9 United States Constitution.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
11 at the beginning of part VI of title 28, United States Code,
12 is amended by inserting after the item relating to chapter
13 176 the following:

“177. **Actions Challenging Conditions of Confinement 3401**”.

14 **SEC. 705. CONVERSION OF PROPERTY AND FACILITIES AT**
15 **CLOSED OR REALIGNED MILITARY INSTALLA-**
16 **TIONS INTO YOUTHFUL OFFENDER BOOT**
17 **CAMPS.**

18 (a) BASES CLOSED OR REALIGNED UNDER 1990
19 BASE CLOSURE LAW.—Section 2905 of the Defense Base
20 Closure and Realignment Act of 1990 (part A of title
21 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is
22 amended by adding at the end the following new sub-
23 section:

24 “(e) PRIORITY FOR CONVERSION TO YOUTHFUL OF-
25 FENDER BOOT CAMPS.—(1) Notwithstanding subsection

1 (b), before any action is taken with respect to the disposal
2 or transfer of any real property or facility located at a
3 military installation to be closed or realigned under this
4 part, the Secretary of Defense shall notify the State and
5 each local government in which the installation is located
6 and other interested persons of the suitability of the prop-
7 erty or facility for conversion and use as a youthful of-
8 fender boot camp.

9 “(2) Subject to paragraph (3), the Secretary shall
10 transfer (without reimbursement) the property or facilities
11 described in the notification to the State, local govern-
12 ment, or interested person if the State, local government,
13 or person certifies that the property or facilities will be
14 promptly converted to and used as a youthful offender
15 boot camp.

16 “(3) Any certification submitted under paragraph (2)
17 must be received by the Secretary not later than 180 days
18 after the Secretary provides the notification required by
19 paragraph (1) and must include a conversion and operat-
20 ing plan for the youthful offender boot camp. If the Sec-
21 retary receives more than one certification, the Secretary
22 shall select the recipient of the property or facility based
23 upon the quality and feasibility of the competing conver-
24 sion and operating plans. In the case of a certification sub-
25 mitted by a private person, the Secretary may reject the

1 certification and refuse to transfer the property or facility
2 concerned if—

3 “(A) the Secretary determines on the basis of
4 the conversion and operating plan that the person
5 will likely be unable to successfully convert or oper-
6 ate the proposed youthful offender boot camp; or

7 “(B) the State or any local government in
8 which the installation is located opposes the transfer.

9 “(4) As used in this subsection, the term ‘youthful
10 offender boot camp’ means a correctional facility operated
11 as a military-style boot camp to provide discipline, treat-
12 ment, and work for adjudicated non-violent offenders who
13 are between the ages of 14 and 25, inclusive.”.

14 (b) BASES CLOSED OR REALIGNED UNDER 1988
15 BASE CLOSURE LAW.—(1) Section 204 of the Defense
16 Authorization Amendments and Base Closure and Re-
17 alignment Act (title II of Public Law 100–526; 10 U.S.C.
18 2687 note) is amended by adding at the end the following
19 new subsection:

20 “(d) PRIORITY FOR CONVERSION TO YOUTHFUL OF-
21 FENDER BOOT CAMPS.—(1) Notwithstanding subsection
22 (b), before any action is taken with respect to the disposal
23 or transfer of any real property or facility located at a
24 military installation to be closed or realigned under this
25 title, the Secretary of Defense shall notify the State and

1 each local government in which the installation is located
2 and other interested persons of the suitability of the prop-
3 erty or facility for conversion and use as a youthful of-
4 fender boot camp

5 “(2) Subject to paragraph (3), the Secretary shall
6 transfer (without reimbursement) the property or facilities
7 described in the notification to the State, local govern-
8 ment, or interested person if the State, local government,
9 or person certifies that the property or facilities will be
10 promptly converted to and used as a youthful offender
11 boot camp.

12 “(3) Any certification submitted under paragraph (2)
13 must be received by the Secretary not later than 180 days
14 after the Secretary provides the notification required by
15 paragraph (1) and must include a conversion and operat-
16 ing plan for the youthful offender boot camp. If the Sec-
17 retary receives more than one certification, the Secretary
18 shall select the recipient of the property or facility based
19 upon the quality and feasibility of the competing conver-
20 sion and operating plans. In the case of a certification sub-
21 mitted by a private person, the Secretary may reject the
22 certification and refuse to transfer the property or facility
23 concerned if—

24 “(A) the Secretary determines on the basis of
25 the conversion and operating plan that the person

1 will likely be unable to successfully convert or oper-
2 ate the proposed youthful offender boot camp; or

3 “(B) the State or any local government in
4 which the installation is located opposes the transfer.

5 “(4) As used in this subsection, the term ‘youthful
6 offender boot camp’ means a correctional facility operated
7 as a military-style boot camp to provide discipline, treat-
8 ment, and work for adjudicated non-violent offenders who
9 are between the ages of 14 and 25, inclusive.”.

10 (c) MODEL YOUTHFUL OFFENDER BOOT CAMP.—

11 (1) DEVELOPMENT.—The Secretary of Defense,
12 in consultation with the Federal Bureau of Prisons
13 and State and local correctional agencies, shall de-
14 velop a model program intended to incorporate mili-
15 tary basic training and other military instruction
16 and disciplinary procedures into the design and op-
17 eration of youthful offender boot camps at the Fed-
18 eral, State, and local levels.

19 (2) DEFINITION.—For purposes of this sub-
20 section, the term “youthful offender boot camp”
21 means a correctional facility operated as a military-
22 style boot camp to provide discipline, treatment, and
23 work for adjudicated non-violent offenders who are
24 between the ages of 14 and 25, inclusive.

1 **SEC. 706. GRANTS FOR BOOT CAMPS.**

2 Subsection (a) of section 516 of the Omnibus Crime
3 Control and Safe Streets Act of 1968 (42 U.S.C. 3762b)
4 is amended—

5 (1) by striking “80” and inserting “40”; and

6 (2) by striking “10” the second place it appears
7 and inserting “50”.

8 **SEC. 707. RESTRICTED FEDERAL COURT JURISDICTION IN**

9 **IMPOSING REMEDIES ON STATE AND FED-**

10 **ERAL PRISON SYSTEMS.**

11 (a) IN GENERAL.—Title 28, United States Code is
12 amended by inserting after chapter 176 the following new
13 chapter:

14 **“CHAPTER 177—ACTIONS CHALLENGING**
15 **CONDITIONS OF CONFINEMENT**

“Sec.

“3401. Limitations on remedies.

“3402. Consent decrees.

“3403. Modification of orders or decrees.

16 **“§ 3401. Limitations on remedies**

17 “(a)(1) If the district court, in any action challenging
18 the constitutionality of conditions of confinement in any
19 prison, jail, detention facility, or other correctional institu-
20 tion housing persons accused or convicted of a crime or
21 juveniles adjudicated delinquent, finds that one or more
22 conditions of confinement are in violation of the United
23 States Constitution, the court shall narrowly tailor any re-

1 lief to fit the nature and extent of the violations and shall
2 make the order no more intrusive than absolutely nec-
3 essary to ensure that the violations are remedied. The
4 court shall have no jurisdiction—

5 “(A) to impose a ceiling on the population of
6 any institution or to require any adjustment of the
7 release dates of inmates; or

8 “(B) to prohibit the use of tents or prefab-
9 ricated structures for housing inmates.

10 **“§ 3402. Consent decrees**

11 “(a) No consent decree in any action challenging the
12 constitutionality of conditions of confinement in any pris-
13 on, jail, detention facility, or other correctional institution
14 housing persons accused or convicted of a crime or juve-
15 niles adjudicated delinquent shall provide relief greater
16 than the minimum required to bring the conditions of con-
17 finement into substantial compliance with the United
18 States Constitution.

19 “(b) In entering a consent decree, the court shall
20 make a written finding that the relief provided in the de-
21 cree is no greater than the minimum required to bring
22 the conditions of confinement into substantial compliance
23 with the United States Constitution. If it appears to the
24 court that the relief provided in the decree is greater than

1 the minimum required, the court may recommend changes
2 in the decree.

3 **“§ 3403. Modification of orders or decrees**

4 “(a)(1) Upon motion of a defendant at any time, the
5 court may conduct a hearing on whether an order or de-
6 cree described in section 3401 or 3402 of this title should
7 be modified in light of—

8 “(A) changed factual circumstances affecting
9 the operation of the order or decree, whether or not
10 foreseeable;

11 “(B) a change or clarification of the governing
12 law, whether or not foreseeable;

13 “(C) a succession in office of an official respon-
14 sible for having consented to a decree;

15 “(D) the government’s financial constraints or
16 any other matter affecting public safety or the pub-
17 lic interest; or

18 “(E) any ground provided in Rule 60(b) of the
19 Federal Rules of Civil Procedure.

20 “(2) The court shall conduct such a hearing if the
21 motion was filed more than one year after the date of the
22 order or decree or the date on which the last previous
23 modification hearing was conducted, whichever is later.

24 “(b) If the court denies a motion to modify an order
25 or consent decree under subsection (a) of this section, the

1 court shall make a written finding that the relief provided
 2 in the order or decree, as of the date of decision, is no
 3 greater than the minimum required to bring the conditions
 4 of confinement into substantial compliance with the Unit-
 5 ed States Constitution.”.

6 (b) CLERICAL AMENDMENT.—The table of chapters
 7 at the beginning of part VI of title 28, United States Code,
 8 is amended by inserting after the item relating to chapter
 9 176 the following:

“177. **Actions Challenging Conditions of Confinement** **3401**”.

10 **TITLE VIII—ELIMINATION OF**
 11 **DELAYS IN CARRYING OUT**
 12 **SENTENCES**

13 **Subtitle A—Post Conviction Peti-**
 14 **tions: General Habeas Corpus**
 15 **Reform**

16 **SEC. 801. PERIOD OF LIMITATION FOR FILING WRIT OF HA-**
 17 **BEAS CORPUS FOLLOWING FINAL JUDGMENT**
 18 **OF A STATE COURT.**

19 Section 2244 of title 28, United States Code, is
 20 amended by adding at the end the following:

21 “(d) A one-year period of limitation shall apply to an
 22 application for a writ of habeas corpus by a person in cus-
 23 tody pursuant to the judgment of a State court. The limi-
 24 tation period shall run from the latest of the following
 25 times:

1 “(1) The time at which State remedies are ex-
2 hausted.

3 “(2) The time at which the impediment to filing
4 an application created by State action in violation of
5 the Constitution or laws of the United States is re-
6 moved, where the applicant was prevented from fil-
7 ing by such State action.

8 “(3) The time at which the Federal right as-
9 serted was initially recognized by the Supreme
10 Court, where the right has been newly recognized by
11 the Court and is retroactively applicable.

12 “(4) The time at which the factual predicate of
13 the claim or claims presented could have been dis-
14 covered through the exercise of reasonable dili-
15 gence.”.

16 **SEC. 802. AUTHORITY OF APPELLATE JUDGES TO ISSUE**
17 **CERTIFICATES OF PROBABLE CAUSE FOR AP-**
18 **PEAL IN HABEAS CORPUS AND FEDERAL COL-**
19 **LATERAL RELIEF PROCEEDINGS.**

20 Section 2253 of title 28, United States Code, is
21 amended to read as follows:

22 **“§ 2253. Appeal**

23 “(a) In a habeas corpus proceeding or a proceeding
24 under section 2255 of this title before a circuit or district
25 judge, the final order shall be subject to review, on appeal,

1 by the court of appeals for the circuit where the proceed-
2 ing is had.

3 “(b) There shall be no right of appeal from such an
4 order in a proceeding to test the validity of a warrant to
5 remove, to another district or place for commitment or
6 trial, a person charged with a criminal offense against the
7 United States, or to test the validity of his detention pend-
8 ing removal proceedings.

9 “(c) An appeal may not be taken to the court of ap-
10 peals from the final order in a habeas corpus proceeding
11 where the detention complained of arises out of process
12 issued by a State court, or from the final order in a pro-
13 ceeding under section 2255 of this title, unless a circuit
14 justice or judge issues a certificate of probable cause.”.

15 **SEC. 803. CONFORMING AMENDMENT TO THE RULES OF AP-**
16 **PELLATE PROCEDURE.**

17 Federal Rule of Appellate Procedure 22 is amended
18 to read as follows:

19 “RULE 22

20 “HABEAS CORPUS AND SECTION 2255 PROCEEDINGS

21 “(a) APPLICATION FOR AN ORIGINAL WRIT OF HA-
22 BEAS CORPUS.—An application for a writ of habeas cor-
23 pus shall be made to the appropriate district court. If ap-
24 plication is made to a circuit judge, the application will
25 ordinarily be transferred to the appropriate district court.

1 If an application is made to or transferred to the district
2 court and denied, renewal of the application before a cir-
3 cuit judge is not favored; the proper remedy is by appeal
4 to the court of appeals from the order of the district court
5 denying the writ.

6 “(b) NECESSITY OF CERTIFICATE OF PROBABLE
7 CAUSE FOR APPEAL.—In a habeas corpus proceeding in
8 which the detention complained of arises out of process
9 issued by a State court, and in a motion proceeding pursu-
10 ant to section 2255 of title 28, United States Code, an
11 appeal by the applicant or movant may not proceed unless
12 a circuit judge issues a certificate of probable cause. If
13 a request for a certificate of probable cause is addressed
14 to the court of appeals, it shall be deemed addressed to
15 the judges thereof and shall be considered by a circuit
16 judge or judges as the court deems appropriate. If no ex-
17 press request for a certificate is filed, the notice of appeal
18 shall be deemed to constitute a request addressed to the
19 judges of the court of appeals. If an appeal is taken by
20 a State or the Government or its representative, a certifi-
21 cate of probable cause is not required.”.

1 **SEC. 804. DISCRETION TO DENY HABEAS CORPUS APPLICA-**
2 **TION DESPITE FAILURE TO EXHAUST STATE**
3 **REMEDIES.**

4 Section 2254(b) of title 28, United State Code, is
5 amended to read as follows:

6 “(b) An application for a writ of habeas corpus in
7 behalf of a person in custody pursuant to the judgment
8 of a State court shall not be granted unless it appears
9 that the applicant has exhausted the remedies available
10 in the courts of the State, or that there is either an ab-
11 sence of available State corrective process or the existence
12 of circumstances rendering such process ineffective to pro-
13 tect the rights of the applicant. An application may be
14 denied on the merits notwithstanding the failure of the
15 applicant to exhaust the remedies available in the courts
16 of the State.”.

17 **SEC. 805. PERIOD OF LIMITATION FOR FEDERAL PRIS-**
18 **ONERS FILING FOR COLLATERAL REMEDY.**

19 Section 2255 of title 28, United States Code, is
20 amended by striking the second paragraph and the penul-
21 timate paragraph thereof, and by adding at the end the
22 following new paragraphs:

23 “A two-year period of limitation shall apply to a mo-
24 tion under this section. The limitation period shall run
25 from the latest of the following times:

1 “(1) The time at which the judgment of conviction becomes final.

2 “(2) The time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action.

3 “(3) The time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable.

4 “(4) The time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.”.

5 **Subtitle B—Special Procedures for**
6 **Collateral Proceedings in Capital Cases**

7 **SEC. 811. DEATH PENALTY LITIGATION PROCEDURES.**

8 Title 28, United States Code, is amended by inserting the following new chapter immediately following chapter 153:

9 **“CHAPTER 154—SPECIAL HABEAS CORPUS**
10 **PROCEDURES IN CAPITAL CASES**

11 “Sec.

“2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

“2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

“2258. Filing of habeas corpus petition; time requirements; tolling rules.

“2259. Evidentiary hearings; scope of Federal review; district court adjudication.

“2260. Certificate of probable cause inapplicable.

“2261. Application to State unitary review procedures.

“2262. Limitation periods for determining petitions.

“2263. Rule of construction.

1 **“§ 2256. Prisoners in State custody subject to capital**
 2 **sentence; appointment of counsel; re-**
 3 **quirement of rule of court or statute; pro-**
 4 **cedures for appointment**

5 “(a) This chapter shall apply to cases arising under
 6 section 2254 brought by prisoners in State custody who
 7 are subject to a capital sentence. It shall apply only if the
 8 provisions of subsections (b) and (c) are satisfied.

9 “(b) This chapter is applicable if a State establishes
 10 by rule of its court of last resort or by statute a mecha-
 11 nism for the appointment, compensation and payment of
 12 reasonable litigation expenses of competent counsel in
 13 State postconviction proceedings brought by indigent pris-
 14 oners whose capital convictions and sentences have been
 15 upheld on direct appeal to the court of last resort in the
 16 State or have otherwise become final for State law pur-
 17 poses. The rule of court or statute must provide standards
 18 of competency for the appointment of such counsel.

19 “(c) Any mechanism for the appointment, compensa-
 20 tion and reimbursement of counsel as provided in sub-

1 section (b) must offer counsel to all State prisoners under
2 capital sentence and must provide for the entry of an
3 order by a court of record: (1) appointing one or more
4 counsel to represent the prisoner upon a finding that the
5 prisoner is indigent and accepted the offer or is unable
6 competently to decide whether to accept or reject the offer;
7 (2) finding, after a hearing if necessary, that the prisoner
8 rejected the offer of counsel and made the decision with
9 an understanding of its legal consequences; or (3) denying
10 the appointment of counsel upon a finding that the pris-
11 oner is not indigent.

12 “(d) No counsel appointed pursuant to subsections
13 (b) and (c) to represent a State prisoner under capital
14 sentence shall have previously represented the prisoner at
15 trial or on direct appeal in the case for which the appoint-
16 ment is made unless the prisoner and counsel expressly
17 request continued representation.

18 “(e) The ineffectiveness or incompetence of counsel
19 during State or Federal collateral postconviction proceed-
20 ings in a capital case shall not be a ground for relief in
21 a proceeding arising under section 2254 of this chapter.
22 This limitation shall not preclude the appointment of dif-
23 ferent counsel, on the court’s own motion or at the request
24 of the prisoner, at any phase of State or Federal

1 postconviction proceedings on the basis of the ineffective-
2 ness or incompetence of counsel in such proceedings.

3 **“§ 2257. Mandatory stay of execution; duration; limits**
4 **on stays of execution; successive peti-**
5 **tions**

6 “(a) Upon the entry in the appropriate State court
7 of record of an order under section 2256(c), a warrant
8 or order setting an execution date for a State prisoner
9 shall be stayed upon application to any court that would
10 have jurisdiction over any proceedings filed under section
11 2254. The application must recite that the State has in-
12 voked the postconviction review procedures of this chapter
13 and that the scheduled execution is subject to stay.

14 “(b) A stay of execution granted pursuant to sub-
15 section (a) shall expire if—

16 “(1) a State prisoner fails to file a habeas cor-
17 pus petition under section 2254 within the time re-
18 quired in section 2258, or fails to make a timely ap-
19 plication for court of appeals review following the de-
20 nial of such a petition by a district court;

21 “(2) upon completion of district court and court
22 of appeals review under section 2254 the petition for
23 relief is denied and (A) the time for filing a petition
24 for certiorari has expired and no petition has been
25 filed; (B) a timely petition for certiorari was filed

1 and the Supreme Court denied the petition; or (C)
2 a timely petition for certiorari was filed and upon
3 consideration of the case, the Supreme Court dis-
4 posed of it in a manner that left the capital sentence
5 undisturbed; or

6 “(3) before a court of competent jurisdiction, in
7 the presence of counsel and after having been ad-
8 vised of the consequences of his decision, a State
9 prisoner under capital sentence waives the right to
10 pursue habeas corpus review under section 2254.

11 “(c) If one of the conditions in subsection (b) has
12 occurred, no Federal court thereafter shall have the au-
13 thority to enter a stay of execution or grant relief in a
14 capital case unless—

15 “(1) the basis for the stay and request for relief
16 is a claim not previously presented in the State or
17 Federal courts;

18 “(2) the failure to raise the claim is (A) the re-
19 sult of State action in violation of the Constitution
20 or laws of the United States; (B) the result of the
21 Supreme Court recognition of a new Federal right
22 that is retroactively applicable; or (C) based on a
23 factual predicate that could not have been discovered
24 through the exercise of reasonable diligence in time

1 to present the claim for State or Federal
2 postconviction review; and

3 “(3) the facts underlying the claim would be
4 sufficient, if proven, to undermine the court’s con-
5 fidence in the determination of guilt on the offense
6 or offenses for which the death penalty was imposed.

7 **“§ 2258. Filing of habeas corpus petition; time re-**
8 **quirements; tolling rules**

9 “Any petition for habeas corpus relief under section
10 2254 must be filed in the appropriate district court within
11 one hundred and eighty days from the filing in the appro-
12 priate State court of record of an order under section
13 2256(c). The time requirements established by this section
14 shall be tolled—

15 “(1) from the date that a petition for certiorari
16 is filed in the Supreme Court until the date of final
17 disposition of the petition if a State prisoner files
18 the petition to secure review by the Supreme Court
19 of the affirmance of a capital sentence on direct re-
20 view by the court of last resort of the State or other
21 final State court decision on direct review;

22 “(2) during any period in which a State pris-
23 oner under capital sentence has a properly filed re-
24 quest for postconviction review pending before a
25 State court of competent jurisdiction; if all State fil-

1 ing rules are met in a timely manner, this period
2 shall run continuously from the date that the State
3 prisoner initially files for postconviction review until
4 final disposition of the case by the highest court of
5 the State, but the time requirements established by
6 this section are not tolled during the pendency of a
7 petition for certiorari before the Supreme Court ex-
8 cept as provided in paragraph (1); and

9 “(3) during an additional period not to exceed
10 sixty days, if (A) a motion for an extension of time
11 is filed in the Federal district court that would have
12 proper jurisdiction over the case upon the filing of
13 a habeas corpus petition under section 2254; and
14 (B) a showing of good cause is made for the failure
15 to file the habeas corpus petition within the time pe-
16 riod established by this section.

17 **“§ 2259. Evidentiary hearings; scope of Federal re-**
18 **view; district court adjudication**

19 “(a) Whenever a State prisoner under a capital sen-
20 tence files a petition for habeas corpus relief to which this
21 chapter applies, the district court shall—

22 “(1) determine the sufficiency of the record for
23 habeas corpus review based on the claims actually
24 presented and litigated in the State courts except
25 when the prisoner can show that the failure to raise

1 or develop a claim in the State courts is (A) the re-
2 sult of State action in violation of the Constitution
3 or laws of the United States; (B) the result of the
4 Supreme Court recognition of a new Federal right
5 that is retroactively applicable; or (C) based on a
6 factual predicate that could not have been discovered
7 through the exercise of reasonable diligence in time
8 to present the claim for State postconviction review;
9 and

10 “(2) conduct any requested evidentiary hearing
11 necessary to complete the record for habeas corpus
12 review.

13 “(b) Upon the development of a complete evidentiary
14 record, the district court shall rule on the claims that are
15 properly before it.

16 **“§ 2260. Certificate of probable cause inapplicable**

17 “The requirement of a certificate of probable cause
18 in order to appeal from the district court to the court of
19 appeals does not apply to habeas corpus cases subject to
20 the provisions of this chapter except when a second or suc-
21 cessive petition is filed.

22 **“§ 2261. Application to State unitary review proce-**
23 **dure**

24 “(a) For purposes of this section, a ‘unitary review’
25 procedure means a State procedure that authorizes a per-

1 son under sentence of death to raise, in the course of di-
2 rect review of the judgment, such claims as could be raised
3 on collateral attack. The provisions of this chapter shall
4 apply, as provided in this section, in relation to a State
5 unitary review procedure if the State establishes by rule
6 of its court of last resort or by statute a mechanism for
7 the appointment, compensation and payment of reasonable
8 litigation expenses of competent counsel in the unitary re-
9 view proceedings, including expenses relating to the litiga-
10 tion of collateral claims in the proceedings. The rule of
11 court or statute must provide standards of competency for
12 the appointment of such counsel.

13 “(b) A unitary review procedure, to qualify under this
14 section, must include an offer of counsel following trial
15 for the purpose of representation on unitary review, and
16 entry of an order, as provided in section 2256(c), concern-
17 ing appointment of counsel or waiver or denial of appoint-
18 ment of counsel for that purpose. No counsel appointed
19 to represent the prisoner in the unitary review proceedings
20 shall have previously represented the prisoner at trial in
21 the case for which the appointment is made unless the
22 prisoner and counsel expressly request continued represen-
23 tation.

24 “(c) Sections 2257, 2258, 2259, 2260, and 2262
25 shall apply in relation to cases involving a sentence of

1 death from any State having a unitary review procedure
2 that qualifies under this section. References to State ‘post-
3 conviction review’ and ‘direct review’ in those sections
4 shall be understood as referring to unitary review under
5 the State procedure. The references in sections 2257(a)
6 and 2258 to ‘an order under section 2256(c)’ shall be un-
7 derstood as referring to the post-trial order under sub-
8 section (b) concerning representation in the unitary review
9 proceedings, but if a transcript of the trial proceedings
10 is unavailable at the time of the filing of such an order
11 in the appropriate State court, then the start of the one
12 hundred and eighty day limitation period under section
13 2258 shall be deferred until a transcript is made available
14 to the prisoner or his counsel.

15 **“§ 2262. Limitation periods for determining petitions**

16 “(a) The adjudication of any petition under section
17 2254 of title 28, United States Code, that is subject to
18 this chapter, and the adjudication of any motion under
19 section 2255 of title 28, United States Code, by a person
20 under sentence of death, shall be given priority by the dis-
21 trict court and by the court of appeals over all noncapital
22 matters. The adjudication of such a petition or motion
23 shall be subject to the following time limitations:

24 “(1) A Federal district court shall determine
25 such a petition or motion within 180 days of filing.

1 “(2)(A) The court of appeals shall hear and de-
2 termine any appeal relating to such a petition or
3 motion within 180 days after the notice of appeal is
4 filed.

5 “(B) The court of appeals shall decide any ap-
6 plication for rehearing en banc within 30 days of the
7 filing of such application unless a responsive plead-
8 ing is required in which case the court of appeals
9 shall decide the application within 30 days of the fil-
10 ing of the responsive pleading. If en banc consider-
11 ation is granted, the en banc court shall determine
12 the appeal within 180 days of the decision to grant
13 such consideration.

14 “(b) The time limitations under subsection (a) shall
15 apply to an initial petition or motion, and to any second
16 or successive petition or motion. The same limitations
17 shall also apply to the re-determination of a petition or
18 motion or related appeal following a remand by the court
19 of appeals or the Supreme Court for further proceedings,
20 and in such a case the limitation period shall run from
21 the date of the remand.

22 “(c) The time limitations under this section shall not
23 be construed to entitle a petitioner or movant to a stay
24 of execution, to which the petitioner or movant would oth-

1 erwise not be entitled, for the purpose of litigating any
2 petition, motion, or appeal.

3 “(d) The failure of a court to meet or comply with
4 the time limitations under this section shall not be a
5 ground for granting relief from a judgment of conviction
6 or sentence. The State or Government may enforce the
7 time limitations under this section by applying to the court
8 of appeals or the Supreme Court for a writ of mandamus.

9 “(e) The Administrative Office of United States
10 Courts shall report annually to Congress on the compli-
11 ance by the courts with the time limits established in this
12 section.

13 **“§ 2263. Rule of construction**

14 “This chapter shall be construed to promote the expe-
15 ditious conduct and conclusion of State and Federal court
16 review in capital cases.”.

17 (b) CLERICAL AMENDMENT.—The table of chapters
18 at the beginning of part VI of title 28, United States Code,
19 is amended by inserting after the item relating to chapter
20 153 the following new item:

“154. Special habeas corpus procedures in capital cases 2256”.

1 **Subtitle C—Funding for Litigation**
2 **of Federal Habeas Corpus Peti-**
3 **tions in Capital Cases**

4 **SEC. 821. FUNDING FOR DEATH PENALTY PROSECUTIONS.**

5 Part E of title I of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is
7 amended by adding at the end the following new section:

8 “SEC. 515. Notwithstanding any other provision of
9 this subpart, the Director shall provide grants to the
10 States, from the funding allocated pursuant to section
11 511, for the purpose of supporting litigation pertaining to
12 Federal habeas corpus petitions in capital cases. The total
13 funding available for such grants within any fiscal year
14 shall be equal to the funding provided to capital resource
15 centers, pursuant to Federal appropriation, in the same
16 fiscal year.”.

17 **TITLE IX—PUBLIC CORRUPTION**

18 **SEC. 901. OFFENSES.**

19 (a) OFFENSES.—Chapter 11 of title 18, United
20 States Code, is amended by adding at the end the follow-
21 ing:

22 **“§ 226. Public corruption**

23 “(a) STATE AND LOCAL GOVERNMENT.—

24 “(1) HONEST SERVICES.—Whoever, in a cir-
25 cumstance described in paragraph (3), deprives or

1 defrauds, or endeavors to deprive or to defraud, by
2 any scheme or artifice, the inhabitants of a State of
3 the honest services of an official of that State, shall
4 be fined under this title, or imprisoned for not more
5 than 10 years, or both.

6 “(2) FAIR AND IMPARTIAL ELECTIONS.—Who-
7 ever, in a circumstance described in paragraph (3),
8 deprives or defrauds, or endeavors to deprive or to
9 defraud, by any scheme or artifice, the inhabitants
10 of a State of a fair and impartially conducted elec-
11 tion process in any primary, run-off, special, or gen-
12 eral election—

13 “(A) through the procurement, casting, or
14 tabulation of ballots that are materially false,
15 fictitious, or fraudulent, or that are invalid,
16 under the laws of the State in which the elec-
17 tion is held;

18 “(B) through paying or offering to pay any
19 person for voting;

20 “(C) through the procurement or submis-
21 sion of voter registrations that contain false
22 material information, or omit material informa-
23 tion; or

24 “(D) through the filing of any report re-
25 quired to be filed under State law regarding an

1 election campaign that contains false material
2 information or omits material information;
3 shall be fined under this title or imprisoned for not
4 more than 10 years, or both.

5 “(3) CIRCUMSTANCES IN WHICH OFFENSE OC-
6 CURS.—The circumstances referred to in paragraphs
7 (1) and (2) are that—

8 “(A) for the purpose of executing or con-
9 cealing a scheme or artifice described in para-
10 graph (1) or (2) or attempting to do so, a per-
11 son—

12 “(i) places in any post office or au-
13 thorized depository for mail matter, any
14 matter or thing to be sent or delivered by
15 the Postal Service, or takes or receives
16 from any such post office or depository,
17 any such matter or thing, or knowingly
18 causes to be delivered by mail according to
19 the direction on the mail, or at the place
20 at which it is directed to be delivered by
21 the person to whom it is addressed, any
22 such matter or thing;

23 “(ii) transports or causes to be trans-
24 ported any person or thing, or induces any

1 person to travel in or to be transported in,
2 interstate or foreign commerce; or

3 “(iii) uses or causes the use of any fa-
4 cility in interstate or foreign commerce;

5 “(B) the scheme or artifice affects or con-
6 stitutes an attempt to affect in any manner or
7 degree, or would if executed or concealed so af-
8 fect, interstate or foreign commerce; or

9 “(C) in the case of an offense described in
10 paragraph (2), an objective of the scheme or ar-
11 tifice is to secure the election of an official who,
12 if elected, would have some authority over the
13 administration of funds derived from an Act of
14 Congress totaling \$10,000 or more during the
15 12-month period immediately preceding or fol-
16 lowing the election or date of the offense.

17 “(b) FEDERAL GOVERNMENT.—Whoever deprives or
18 defrauds, or endeavors to deprive or to defraud, by any
19 scheme or artifice, the inhabitants of the United States
20 of the honest services of an official of the United States
21 shall be fined under this title or imprisoned for not more
22 than 10 years, or both.

23 “(c) OFFENSE BY AN OFFICIAL AGAINST AN EM-
24 PLOYEE OR OFFICIAL.—

1 “(1) CRIMINAL OFFENSE.—Whoever, being an
2 official of a State or the United States, directly or
3 indirectly, discharges, demotes, suspends, threatens,
4 harasses, or, in any manner, discriminates against
5 another official of a State or the United States, or
6 endeavors to do so, in order to carry out or to con-
7 ceal a scheme or artifice described in subsection (a)
8 or (b), shall be fined under this title or imprisoned
9 for not more than 5 years, or both.

10 “(2) CIVIL ACTION.—(A) Any official who is
11 discharged, demoted, suspended, threatened, har-
12 assed, or in any other manner discriminated against
13 because of lawful acts done by the official as a result
14 of a violation of subsection (a) or (b) or because of
15 actions by the official on behalf of himself or herself
16 or others in furtherance of a prosecution under sub-
17 section (a) or (b) (including investigation for, initi-
18 ation of, testimony for, or assistance in such a pros-
19 ecution) may, in a civil action, obtain all relief nec-
20 essary to make such individual whole, including—

21 “(i) reinstatement with the same seniority
22 status the official would have had but for the
23 violation of paragraph (1);

24 “(ii) 3 times the amount of back pay;

25 “(iii) interest on the back pay; and

1 “(iv) compensation for any special dam-
2 ages sustained as a result of the violation of
3 paragraph (1), including reasonable litigation
4 costs and reasonable attorney’s fees.

5 “(B) An individual is not eligible for relief
6 under subparagraph (A) if that individual partici-
7 pated in the violation of subsection (a) or (b) with
8 respect to which such relief is sought.

9 “(C) A civil action or proceeding authorized by
10 this paragraph shall be stayed by a court upon the
11 certification of an attorney for the Government that
12 prosecution of the action or proceeding may ad-
13 versely affect the interests of the Government in a
14 pending criminal investigation or proceeding. The at-
15 torney for the Government shall promptly notify the
16 court when the stay may be lifted without such ad-
17 verse effects.

18 “(d) DEFINITIONS.—As used in this section—

19 “(1) the term ‘official’ means—

20 “(A) in the case of an official of a State—

21 “(i) any person employed by, exercis-
22 ing any authority derived from, or holding
23 any position in the government of a State,
24 including any department, independent es-
25 tablishment, commission, administration,

1 authority, board, or bureau, or a corpora-
2 tion or other legal entity established and
3 subject to control by a State for the execu-
4 tion of a program of such State;

5 “(ii) a juror;

6 “(iii) any person acting or pretending
7 to act under color of official authority; and

8 “(iv) any person who has been nomi-
9 nated, appointed, or selected to be an offi-
10 cial described in clause (i), (ii), or (iii) or
11 who has been officially informed that he or
12 she will be so nominated, appointed, or se-
13 lected; and

14 “(B) in the case of an official of the
15 United States—

16 “(i) an officer or employee or person
17 acting for or on behalf of the United
18 States, or any department, agency, or
19 branch of the United States Government in
20 any official function, under or by authority
21 of any such department, agency, or branch
22 of Government;

23 “(ii) a juror;

24 “(iii) any person acting or pretending
25 to act under color of official authority; and

1 “(iv) any person who has been nomi-
2 nated, appointed, or selected to be an offi-
3 cial described in clause (i), (ii), or (iii), or
4 has been officially informed that he or she
5 will be so nominated, appointed, or se-
6 lected;

7 “(2) the term ‘person acting or pretending to
8 act under color of official authority’ means any per-
9 son who represents that he or she controls, is an
10 agent of, or otherwise acts on behalf of an official;

11 “(3) the term ‘State’ means a State of the
12 United States, the District of Columbia, any com-
13 monwealth, territory, or possession of the United
14 States, and any political subdivision of such State,
15 District, commonwealth, territory, or possession; and

16 “(4) the term ‘uses any facility in interstate or
17 foreign commerce’ includes the intrastate use of any
18 facility that may also be used in interstate or foreign
19 commerce.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) The table of sections at the beginning of chapter 11
22 of title 18, United States Code, is amended by adding at
23 the end the following item:

 “226. Public corruption.”.

24 (2) Section 1961(1) of title 18, United States Code,
25 is amended by inserting “section 226 (relating to public

1 corruption),” after “section 224 (relating to sports brib-
2 ery),”.

3 (3) Section 2516(1)(c) of title 18, United States
4 Code, is amended by inserting “section 226 (relating to
5 public corruption),” after “section 224 (bribery in sport-
6 ing contests),”.

7 **SEC. 902. INTERSTATE COMMERCE.**

8 (a) IN GENERAL.—Section 1343 of title 18, United
9 States Code, is amended—

10 (1) by striking “transmits or causes to be
11 transmitted by means of wire, radio, or television
12 communication in interstate or foreign commerce,
13 any writings, signs, signals, pictures, or sounds” and
14 inserting “uses or causes to be used any facility in
15 interstate or foreign commerce (as defined in section
16 226(d)(5) of this title)”; and

17 (2) by inserting “or attempting to do so” after
18 “for the purpose of executing such scheme or arti-
19 fice”.

20 (b) CONFORMING AMENDMENTS.—(1) The section
21 caption for section 1343 of title 18, United States Code,
22 is amended to read as follows:

1 **“§ 1343. Fraud by use of facility in interstate com-**
2 **merce”.**

3 (2) The table of sections at the beginning of chapter
4 63 of title 18, United States Code, is amended by striking
5 the item relating to section 1343 and inserting the follow-
6 ing:

“1343. Fraud by use of facility in interstate commerce.”.

7 **SEC. 903. NARCOTICS-RELATED PUBLIC CORRUPTION.**

8 (a) IN GENERAL.—Chapter 11 of title 18, United
9 States Code, is amended by inserting after section 219 the
10 following:

11 **“§ 220. Narcotics and public corruption**

12 “(a) OFFENSE BY PUBLIC OFFICIAL.—Any public of-
13 ficial who, in a circumstance described in subsection (c),
14 directly or indirectly, corruptly demands, seeks, receives,
15 accepts, or agrees to receive or accept anything of value
16 personally or for any other person in return for—

17 “(1) being influenced in the performance or
18 nonperformance of any official act; or

19 “(2) being influenced to commit or to aid in
20 committing, or to collude in, or to allow or make op-
21 portunity for the commission of any offense against
22 the United States or any State;

23 shall be guilty of a class B felony.

24 “(b) OFFENSE BY PERSON OTHER THAN A PUBLIC
25 OFFICIAL.—Any person who, in a circumstance described

1 in subsection (c), directly or indirectly, corruptly gives, of-
2 fers, or promises anything of value to any public official,
3 or offers or promises any public official to give anything
4 of value to any other person, with the intent—

5 “(1) to influence any official act;

6 “(2) to influence the public official to commit
7 or aid in committing, or to collude in, or to allow or
8 make opportunity for the commission of any offense
9 against the United States or any State; or

10 “(3) to influence the public official to do or to
11 omit to do any act in violation of such official’s law-
12 ful duty;

13 shall be guilty of a class B felony.

14 “(c) CIRCUMSTANCES IN WHICH OFFENSE OC-
15 CURS.—The circumstances referred to in subsections (a)
16 and (b) are that the offense involves, is part of, or is in-
17 tended to further or to conceal the illegal possession, im-
18 portation, manufacture, transportation, or distribution of
19 any controlled substance or controlled substance analogue.

20 “(d) DEFINITIONS.—As used in this section—

21 “(1) the terms ‘controlled substance’ and ‘con-
22 trolled substance analogue’ have the meanings given
23 those terms in section 102 of the Controlled Sub-
24 stances Act;

1 “(2) the term ‘official act’ means any decision,
2 action, or conduct regarding any question, matter,
3 proceeding, cause, suit, investigation, or prosecution
4 which may at any time be pending, or which may be
5 brought before any public official, in such official’s
6 official capacity, or in such official’s place of trust
7 or profit;

8 “(3) the term ‘public official’ means—

9 “(A) an officer or employee or person act-
10 ing for or on behalf of the United States, or
11 any department, agency, or branch of the Unit-
12 ed States Government in any official function,
13 under or by authority of any such department,
14 agency, or branch of Government;

15 “(B) a juror;

16 “(C) an officer or employee or person act-
17 ing for or on behalf of the government of any
18 State, or any political subdivision of a State, in
19 any official function, under or by the authority
20 of any such State or political subdivision; and

21 “(D) any person who has been nominated
22 or appointed to a position described in subpara-
23 graph (A), (B), or (C), or has been officially in-
24 formed that he or she will be so nominated or
25 appointed; and

1 “(4) the term ‘State’ means a State of the
 2 United States, the District of Columbia, and any
 3 commonwealth, territory, or possession of the United
 4 States.”.

5 (b) TECHNICAL AMENDMENTS.—(1) Section 1961(1)
 6 of title 18, United States Code, is amended by inserting
 7 “section 220 (relating to narcotics and public corrup-
 8 tion),” after “Section 201 (relating to bribery),”.

9 (2) Section 2516(1)(c) of title 18, United States
 10 Code, is amended by inserting “section 220 (relating to
 11 narcotics and public corruption),” after “section 201
 12 (bribery of public officials and witnesses),”.

13 (c) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of chapter 11 of title 18, United States
 15 Code, is amended by inserting after the item for section
 16 219 the following:

“220. Narcotics and public corruption.”.

17 **TITLE X—FUNDING**

18 **SEC. 1001. REDUCTION IN OVERHEAD COSTS INCURRED IN** 19 **FEDERALLY SPONSORED RESEARCH.**

20 (a) CBO SCORING.—The Congressional Budget Of-
 21 fice estimates that the reduction in overhead payments for
 22 federally funded university research required by this sec-
 23 tion will produce savings of \$1,540,000,000 over 5 years
 24 (\$150,000,000 for fiscal year 1994, \$310,000,000 for fis-
 25 cal year 1995, \$350,000,000 for fiscal year 1996,

1 \$360,000,000 for fiscal year 1997, and \$370,000,000 for
2 fiscal year 1998).

3 (b) LIMITATION.—Notwithstanding any other law, on
4 and after the date of the enactment of this Act, each head
5 of a Federal agency making a grant to or entering into
6 a contract with, an institution of higher education for re-
7 search and development, shall reduce the overhead pay-
8 ment rate under the grant or contract to 90 percent of
9 the current level and return the amount saved to the gen-
10 eral fund of the Treasury.

11 (c) DEFINITIONS.—In this section—

12 (1) the term “institution of higher education”
13 has the meaning stated in section 1201(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1141(a));
15 and

16 (2) the term “Federal agency” means a depart-
17 ment, agency, or instrumentality of the Federal Gov-
18 ernment (including an executive agency (as defined
19 in section 105 of title 5, United States Code)).

20 **SEC. 1002. OVERHEAD EXPENSE REDUCTION.**

21 (a) CBO SCORING.—The Congressional Budget Of-
22 fice estimates that the reduction in administrative costs
23 required by this section will produce savings of
24 \$6,000,000,000 over 5 years (\$1,200,000,000 in each of
25 fiscal years 1994, 1995, 1996, 1997, and 1998).

1 (b) REDUCTION.—The overhead expenses identified
2 and reduced by the President in Executive Order 12837
3 are hereby reduced by an additional 5 percent. The reduc-
4 tion required by this section shall be taken from the total
5 of such expenses before the reduction by the President.

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